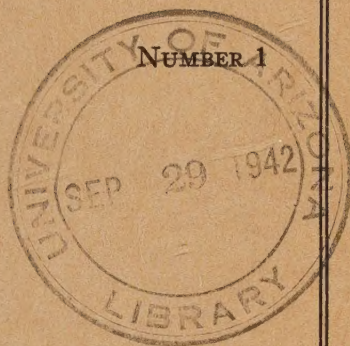


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THE NORTH CAROLINA HISTORICAL REVIEW

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THE PRESERVATION OF TEXAS HISTORY

By CHARLES W. RAMSDELL

The history of Texas is full of color and romance, as any loyal child of the state is likely to proclaim at the slightest opportunity; and it has a strong and legitimate interest also for the cool and impartial historian. The reason is evident; for Texas has always been, and still is, a border-land. Spaniard, Frenchman, Indian, Mexican, and Anglo-American have contested for its possession. It has had a peculiar importance in the history of the United States. Today its laws, institutions, place-names and even its folk-lore proclaim its varied heritage. Within its capacious boundaries meet and blend the traditions, customs and cultures of Latin-America, of the old South, and of the western plains. Whether or no the average Texan is aware of the larger implications of this history, he is generally fascinated by what he knows of the story.

Yet with all this popular pride, it is only within the last generation or so that the state itself has undertaken seriously to preserve the evidences of its history; and even now the results are not what they might easily have been. The chief reason for this official negligence is that for a long time the state was poor; and though poverty may not curb the imagination, it stifles action. A great deal has been accomplished, as the following pages will show; but much of the work has been done by agencies not usually employed in other states. It will be necessary in this paper, therefore, to take a somewhat broader range than has been done in most of the articles in this series. It would not be possible otherwise to explain the situation in Texas.

THE TEXAS STATE LIBRARY

When the Republic of Texas was established in 1836 the govern-

ment possessed only the brief records of the Revolution. In 1839 the capital of the young Republic was located far out on the frontier at the new town of Austin, where the offices of the government were housed in log cabins. Soon afterwards Congress made an appropriation for books for the use of the government. This was the first state library. At that time it was a bureau in the state department and consisted solely of these books. The several departments retained custody of their archives. For years these archives were in a precarious condition, for they were exposed not only to the danger of fire but to hostile attack. The Indians raided into the very edge of the little capital city while the Mexicans threatened the western settlements. In 1842 a Mexican force captured San Antonio, and President Houston ordered the archives removed to Houston. The citizens of Austin, fearing that this meant the loss of the seat of government, captured the archives wagon-train and refused to let the records go. In 1845 the government again returned to Austin. In 1854 a new stone capitol was begun, and with its completion in 1856 the library was moved into better quarters.

In the meantime several departments had begun the collection of those records of the Spanish and Mexican governments which pertained to their own work. From the date of its creation the general land office had sought to bring together all records relating to land grants and colonization. In 1850 the legislature authorized the secretary of state to receive from the county clerk of Nacogdoches County the records which had accumulated there during the Spanish and Mexican periods. These papers were transferred to the state department, but as no funds were provided for help in arranging them they remained unopened in the bundles and boxes in which they arrived. The comptroller's department seems to have kept its papers, but they were so voluminous that they were stored about wherever they could be put without regard to order.

The State suffered an irretrievable loss in 1855 when the adjutant general's office burned with all its records. There is a tradition that certain wayward citizens had a lively interest in some of the criminal records in the office which they desired expunged, and that the fire was not accidental. Whether this was true or not, the deplorable fact remains that the fire consumed not only priceless records of the early frontier but also those of the army and navy

of the Republic. With this one exception, however, the archives of the several departments remained fairly intact.

In 1876, after the Democrats had regained control of the state government, the state library was taken out of the state department and placed in the newly created department of insurance, statistics, and history. The commissioner of this department was authorized to demand and receive from all other officers of the state government who might have them in charge "all books, maps, papers, documents, memoranda and data, not connected with or necessary to the current duties of said departments or officers, as relate to the history of Texas as a Province, Colony, Republic and State, and carefully to classify, catalogue, number and preserve the same." The first commissioner, V. O. King,, had a lively interest in the history of Texas, and during the years 1877-1879 took the first steps toward collecting the source materials by the transfer of many thousands of manuscripts from the state department. They were wrapped and placed in tin boxes, without chronological order, and placed in the vault of the library. Here they were safe but inaccessible.

In November, 1881, the capitol burned and with it the state library. All the books, several files of old Texas newspapers, and a number of interesting historical relics were destroyed. Fortunately the manuscripts in the vault escaped destruction, and the records of the governor's office were carried out of the burning building and saved. Because the capitol had long before become too small to contain all the offices, the departments of state, treasury, comptroller, adjutant-general and the general land office were housed in other buildings and were unharmed. But the library was gone; no librarian was appointed for ten years, and during that time no serious effort was made to establish a new library. Until 1888, when the new granite capitol was completed, the department to which the library belonged was given cramped quarters within a small building known as "the temporary capitol." Although a few gifts of manuscripts had been made during the ten-year interval after the fire, it was not until the employment of "a historical clerk" was authorized by the legislature in 1891 that any real progress was made in re-establishing the library.

The new clerk was Judge C. W. Rains. His appointment by his friend, Gov. Jas. S. Hogg, seems to have been purely political.

There is nothing to indicate that Judge Rains had any previous training or special interest in the work he was to do; but he was a man of intelligence, energy, and education, possessed of scholarly tastes, and he soon developed an ardent love for the work entrusted to him. A small appropriation enabled him to travel over the state begging and buying books, manuscripts and newspapers. The library under his care began to develop along lines of usefulness that gained better support for it from the legislature. In 1896 Judge Rains published a *Bibliography of Texas* which was remarkable for its day and is still useful. His *Bibliography* and H. H. Bancroft's *North Mexican States and Texas* first called attention to the wealth of historical material in the Southwest.

While Judge Rains was building the first collection of *Texana* belonging to the state, Professor George P. Garrison was engaged in organizing his Texas history seminar at the University of Texas near by. The labor of the former prepared the way for the latter; while in turn the influence of that Texas history seminar and of Professor Garrison and Bugbee and their successors has determined the whole course of building the present Texas collections and of writing Texas history.

Though appropriations were meagre, within ten years after his first appointment Judge Rains had again brought the library to respectable proportions—some 28,000 volumes. But he had neither the training nor the time to put the manuscript collections, many of which were in Spanish, into condition for use by students. A great impetus was given to making the library a place for historical research when in 1903 a young man, Mr. E. W. Winkler, was added to the staff as “classifier and translator of manuscripts.” Trained in historical research under Professor Garrison at the University of Texas and Professor F. J. Turner at the University of Wisconsin, Mr. Winkler brought to his new task a keen sense of the value of historical materials and an astonishing capacity for tireless labor. He began the classification of the mass of material and found that it belonged to three major groups: (1) the archives of the Republic and the State since 1835; (2) collections of personal papers; (3) the so-called Nacogdoches Archives.

The first group consists chiefly of the records of the state treasury and comptroller's departments, and of a number of Texas

army and navy papers that had been in the comptroller's archives and thus escaped the fire in 1855. The last two belonged to the period of the Republic, 1836-1845. Though the group as a whole was not large, since only a small portion of the departmental records had been transferred to the library at that time, it was an important mass of material. The second group comprised, among others, papers of Anthony Butler, Memucan Hunt, W. D. Miller, F. R. Lubbock, and S. M. Swenson. The first three belong to the time of the Republic, the others to the early State. Some of them are of exceptional importance. The third group is by far the largest and in some respects the most important, and a brief description of it may be desirable. Nacogdoches, though the oldest Spanish settlement in eastern Texas, was in such an unstable condition prior to 1821 that its records before that date are very scanty. From 1823 to 1836 the records of the local government are continuous, if not complete. In 1834 the town became the seat of a department of Texas under a "political chief" who was driven out in March, 1836, when the Texans declared their independence of Mexico. The Nocogdoches Archives contain, therefore: the records of the municipality of Nocogdoches, 1823-1836; the correspondence of the political chief of the Department of Nacogdoches, 1834-1836; considerable miscellaneous material relating to Nacogdoches; correspondence of the political chief at San Antonio de Bexar, 1823-1836; correspondence of the governors of Texas at San Antonio, 1749-1824; and correspondence of various officials at Mexico City, Monterey, Saltillo, and Monclova from about 1756 to 1835. The total comprises perhaps 30,000 pages and is almost entirely in Spanish. The collection is very important for local relations of Spanish and Mexican frontier officials with the encroaching Americans.¹

After classifying these documents and arranging them in chronological order, Mr. Winkler proceeded to calendar them and to begin translating those most likely to be of immediate use. This was necessarily slow work. In the meantime the library continued to grow by gift and purchase of books, newspapers and manuscripts, and by the transfer of departmental records. The emphasis was now thrown upon primary rather than secondary

¹ See the *Twenty-Ninth Annual Report of the Commissioner of Agriculture, Insurance, Statistics, and History for . . . 1903*, pp. xv-xxiv. For some account of the earlier history of the State library see also the *Thirty-First Annual Report* of the same official, *Part II*, 1906.

sources. When Judge Rains died in August, 1906, Mr. Winkler became librarian. He labored hard to realize his ideal of making the State library "the treasure house of information relating to Texas and the Southwest" and to "permit nothing relating to Texas to escape."

The importance and general usefulness of the library was greatly enhanced by the passage of a law in 1909 creating the Texas Library and Historical Commission. This was the result of years of effort on the part of a number of public-spirited citizens who were interested both in gathering materials for the study of Texas history and in promoting public libraries throughout the State. In 1897 both the Texas State Historical Association and the State Federation of Women's Clubs had come into existence. The nucleus of the former was a group of prominent "old Texans" who were brought together by Professor Garrison. It was and still is a voluntary organization supported by the dues of its members, and its chief activity has been the publication of a Quarterly. This Association procured the introduction into the legislature of a bill to create a Texas Historical Commission along the line of those in other states. It failed for want of energetic support. The Federation of Women's Clubs was interested in the establishment of public libraries. In 1903 the Federation had a bill introduced to establish a State Library Commission, but this also failed. Similar bills, except that they provided for the extending the control of the proposed library commission over the state library, were introduced in 1905 and 1907, but without success. In 1909 the organizations joined forces so effectively that their bill was passed and approved.

The duties of the Texas Library and Historical Commission thus created were grouped under three heads:

1. To control and administer the State Library and to maintain therein a legislative reference section for the use of the legislature, heads of departments and citizens.
2. To conduct library extension work, which included giving advice and assistance in the establishment of public libraries and the holding of library institutes.
3. To perform the functions of a department of archives and history. It was directed by the law to "collect materials relating to the history of Texas and the adjoining states, to preserve, classify and publish the manuscript archives and such other matters as it

may deem proper, to diffuse knowledge in regard to the history of Texas, to encourage historical work and research, to mark historic sites and houses and secure their preservation."

We are concerned here with only the last of these three duties.

The law went into effect on March 19, 1909, and the state library became, under the new commission, a separate department of the state government. The members of the commission were five in number—three appointed by the governor and two *ex-officio*, the state superintendent of public instruction and "the professor of history" at the University of Texas, George P. Garrison. Mr. Winkler was elected librarian. No archivist was provided for during the first two years; but in 1911, an appropriation having been made for the position, Miss Elizabeth H. West of the Manuscripts Division of the Library of Congress, was elected archivist.

Notwithstanding its cramped quarters and a staff always too small for the work that needed to be done, the library under the new regime began to grow rapidly both in size and usefulness.² The collection of books, pamphlets, newspapers and manuscripts steadily increased through gifts and purchase. Thousands of manuscripts were brought in from the several departmental archives—about 100,000 at one time from the comptroller's basement—and transcripts were obtained from the archives of Mexico, Cuba and Spain. By means of special legislative appropriations two notable private collections of manuscripts were purchased—the Mirabeau B. Lamar Papers in 1909 and the John H. Reagan Papers in 1911. Lamar had been a soldier of the Texas Revolution, President of the Republic, and United States Minister to Nicaragua and Costa Rica. His papers not only include much of his own personal and official correspondence but also much that he had gathered for the purpose of writing a history of Texas. John H. Reagan had been a congressman from Texas, postmaster-general of the Confederacy, United States Senator and chairman of the first railway commission of Texas. Most of this group of papers pertains to his services to the Confederacy. Many other smaller groups, some of them very valuable, were also obtained.

The newspaper collection was growing steadily. Immediately

² For the development of the library under the new commission see the *First and Second Biennial Reports of the Texas Library and Historical Commission*, 1909-1910, and 1911-1912; also E. W. Winkler "Some Historical Activities of the Texas Library and Historical Commission" in the *Quarterly of the Texas State Historical Association*, XIV, 294-304.

after the fire of 1881 the more prominent papers of the State had been subscribed for, and the files of these from that date have been bound and are in good order. Strenuous efforts on the part of Judge Rains first and Mr. Winkler afterwards to find files of the early papers were rewarded with fair success. Among the early files may be mentioned: *The Telegraph and Texas Register* (Houston), 1836-1845; *The Matagorda Bulletin*, 1837-1839; *The Austin City Gazette*, 1839-1842; *The Colorado Gazette and Advertiser* (Matagorda), 1839-1842; *The Morning Star* (Houston), 1839-1846; *El Correo Atlantico* (Mexico City and New Orleans), 1835-1836; *The Redlander* (San Augustine) and *The True Issue* (La Grange), both of the period of the Republic; *The State Gazette* (Austin), 1849-1854; *The Texas Republican* (Marshall), 1849-1868; *The San Antonio Herald*, 1865-1879; and the *Neu Braunsfelser Zeitung*, 1853-1872. *The Weekly Delta* (New Orleans), 1847-1862, also contains many Texas items. Several of these files are incomplete for the periods indicated, but some are the only copies known to be in existence. Their value for the social history of their times can be appreciated only by those who have examined them.

One of the functions of the commission as set out by the act which created it was the publication of documentary material on the history of Texas. This duty naturally fell upon the library staff. The first biennial report of the librarian, in 1911, contained the *Secret Journals of the Republic of Texas*, 1836-1845. It was followed in 1912 by the *Journal of the Secession Convention of Texas*, 1861. Both were edited by Mr. Winkler. The second biennial report contained a calendar of the Lamar Papers, prepared by Miss West. When he left the library in 1915 Mr. Winkler had in preparation a volume of the messages of the governors of Texas which he was obliged to leave in an unfinished state. It was subsequently published in this unfinished condition with another person's name attached as editor. Since 1915 the most notable publication of the library is that of the Lamar Papers in six volumes. The first four volumes appeared from 1920 to 1925, selected and edited by Charles A. Gulick with the assistance of Katherine Elliott and Winnie Allen, archivists. Two supplementary volumes, completing the task, edited by Harriet Smither, archivist, appeared in 1928.

In January, 1915, James E. Ferguson was inaugurated governor

of Texas. He made a thorough application of the spoils system and determined to replace Mr. Winkler with one of his own supporters. To this end he appointed three of the five members of the commission with the understanding that a candidate of his own should be elected librarian. Despite the resistance of the *ex-officio* members, on April 15, 1915, Mr. C. Klaerner, a well-intentioned man but without experience in such work, became librarian. Mr. Winkler was shortly afterwards given a place in the library of the University of Texas where his services have been invaluable and where he has been librarian since 1923. When he left it, the state library was by far the largest repository of historical material relating to Texas and the Southwest in existence. It is now surpassed only by the University library; but in manuscripts and newspapers the two supplement rather than duplicate each other. Miss West also left the state library, but in 1918, after the removal of Governor Ferguson by impeachment, she returned to the library as its head. She resigned in 1925 and was succeeded by Miss Octavio Rogan, formerly head of the legislative reference section. Miss Rogan resigned in 1927. Miss Fannie M. Wilcox is now acting-librarian. In 1918 Miss Katherine Elliott became archivist. During a leave of absence, 1923-1924, her place was filled by Miss Winnie Allen. Miss Elliott resigned in 1925 and was succeeded by Miss Harriet Smither. All these are very competent, but they have been greatly handicapped in their work by lack of room for the proper arrangement and use of the manuscripts and by inadequate funds.

During these latter years the activities of the commission have turned more and more to the development of the legislative reference work and to the promotion of public libraries. This change has been due to several things: inadequate appropriations; lack of space for expansion or even for the use of the library by students; and by the activity of the University of Texas in the collection of all sorts of historical materials. The University is now largely doing the work that the commission was created to do in 1909. The state library for twenty years has shared with the library of the Supreme Court one large room on the north side of the second floor of the capitol building. This room might be large enough for one; it certainly is not large enough for both; but the legislature has provided no relief. A large portion of the state library's books and some newspapers are now stored in basement rooms which have

no connection with the room on the second floor and are otherwise ill-adapted to library purposes. It is to be hoped that relief will come soon, since the archives of Texas are extremely rich in unworked material for the investigator. Adequate space would not only make the task of the researcher easier but would undoubtedly draw many more students to the treasures stored there.

Besides the historical material in the state library itself, there is much in the general land office and in the adjutant general's office. Both will probably continue to keep control of their own records, but both have taken measures to make them available to a limited number of investigators. The records of the land office are so enormous and the history of Texas public lands so intricate that no one has yet had the hardihood to venture far into that field. But few students have attempted to exploit the papers in the adjutant general's office, chiefly because they are still difficult of access. Of particular value are the records of the Texas ranger organizations which during the earlier periods guarded the wide frontiers of Texas against marauding Indians and more lately have performed the duties of a state constabulary. These papers also contain valuable evidence of the social and economic conditions of the State for more than eighty years.

THE UNIVERSITY OF TEXAS LIBRARY

As the state library has come more and more to restrict its historical activities to taking over and arranging the departmental archives of the state government, the University of Texas library has entered the wider field and is engaged in collecting everything available in the way of books, pamphlets, newspapers, maps, manuscripts and whatever else may be of value concerning the history of Texas and the Southwest. It is therefore performing part of the work usually undertaken by state-supported historical societies and historical commissions. While its assumption of this function is perhaps not unique, it has probably gone more thoroughly into this work than has any other state university in the country. The great collection which it now has is due in part to good fortune, in part to the generosity of friends, and in considerable degree to the ambition of the members of the department of history to supply graduate students in the field of Southwestern history with ample resources.

The first considerable contribution to the University library in the field of Texas history came in 1897 when Sir Swante Palm, for a long time Swedish consul and resident of Austin, presented his private library of more than 10,000 volumes. Included in his gift was a large number of books and pamphlets on Texas and many bound volumes of early Texas newspapers. The very next year the University came into possession of the Bexar Archives, a marvelous collection of some 300,000 folios, the records of the Spanish and Mexican governments of Texas for more than a century. These papers had accumulated at San Antonio de Bexar and, surviving wars and revolutions, were given to the University on condition that they be calendared and made available for public use. They are the very foundation of all investigation in early Texas history; but they contain also a great number of royal and vice-royal decreets and other documents concerning the Spanish dependencies generally in North America. Since it was the custom of Spanish officials to make copies of ascending or descending official reports, it has been possible to find in the archives of Mexico or Spain copies of documents that have been lost from the archives of Bexar. The University has obtained some 70,000 transcripts of such supplementary materials. It is easy to see how the Bexar Archives and the Nacogdoches Archives, already described as in the state library, together form an inexhaustible treasure-trove for the student.

In 1901 the literary executors of the Hon. Guy M. Bryan, nephew of Stephen F. Austin, gave to the University the large and precious collection known as the Austin Papers. They cover the years from 1789 to 1836 and record the movement of the Austin family from Connecticut through Pennsylvania, Virginia and Missouri to Texas. Most of them are concerned with the great colonization work of Stephen F. Austin in Texas. With additions diligently sought for elsewhere, these papers have been published in three large volumes in the *Annual Reports of the American Historical Association* for 1919 and 1922, with a fourth and final volume issued by the University of Texas Press, all edited by Professor Eugene C. Barker.

Until about 1910 the legislative appropriations to the University for the purchase of historical material were small, and most of the money was devoted to Texas and the Southwest, the fields in which nearly all the research by members of the department of history in those days was being done. A respectable collection had been

accumulated. Gradually the appropriations increased as the department grew and other fields were entered; but the money available for Texas history was inadequate until supplemented by a notable gift. In 1914 Major George W. Littlefield, ex-Confederate soldier, cattleman and banker, who had become a University regent, gave a fund of \$25,000 to be known as "The Littlefield Fund for Southern History." It was to be administered not by the regents but by a special committee. The money was invested carefully and only the interest used. During his lifetime Major Littlefield supplemented the income from this Fund by special cash gifts for emergency uses to the total amount of more than \$30,000, and at his death in November, 1920, he left an additional amount of \$100,000 in high grade bonds to the Fund. The income is used primarily for the purchase of historical material relating to the older South, but as Texas is largely southern some of it has gone for Texas history.

By purchase or gift the Texas collection at the University has grown steadily, especially since Mr. E. W. Winkler came to the library in 1915 and began devoting his extraordinary knowledge of Texas bibliography to the acquisition of *Texana*. Very few indeed are the printed books or even pamphlets of any value whatever for Texas history that have not been acquired. The collection of newspapers and manuscripts has been given special attention. It is impracticable to list all the newspapers here, but among the files are: *The Telegraph and Texas Register*, 1835-1845; *The Texas State Gazette*, 1849-1867; *The Northern Standard*, 1842-1885; *The Dallas Herald*, 1859-1885; *The Dallas News*, 1885 to date; *The Galveston News*, 1873 to date; *The Austin Statesman*, 1871 to date. There are numerous short runs of papers from all parts of Texas and complete files of practically all the more important newspapers of the State since about 1903. Of the 10,000 bound volumes of newspapers in the library, about half are of Texas. Some of the files from outside the State contain useful material on early Texas, such as the *Arkansas Gazette*, 1819 to 1861, and the *New Orleans Picayune*, 1837-1861. These last were obtained through the Littlefield Fund. Since newspaper files require much room for shelving and the present library building has long been outgrown, the newspapers have been removed to the loft of one of the larger class-room buildings. Though this room has been

fitted up as well as possible with shelving, lights and tables, one has to climb three long flights of stairs and suffer the ill effects of poor ventilation and heat. In the summer no electric fans can fully overcome the heat. In winter it is more endurable but the place is never inviting. But relief is in sight. A considerable extension of the library building is about to be made, and it is fairly well assured that within a year or two from this date the newspapers will be in a commodious, well-lighted room where they can be examined in comfort.

When the Bexar Archives and the Austin Papers were first acquired their administration was entrusted to the department of history; but with the accumulation of large quantities of other manuscripts they were all transferred to the library and constituted a division of archives. The archivists, Mrs. M. A. Hatcher and Miss Winnie Allen, the librarian, the members of the department of history, and graduate students in American History have sought in all directions for the official or private papers of Texans, great or obscure, that throw any light whatever upon the history of the people. Among the more important groups thus collected are: the papers of Ashbel Smith, physician, diplomatic representative of the Republic of Texas in England and France, and long prominent in state affairs; of Edward Burleson, frontiersman; of Ben C. Franklin, a judge during the days of the Republic; of E. L. Wheelock, frontiersman; of "Buck" Barry, frontiersman; of the well-known Maverick family of San Antonio; of O. M. Roberts, political leader, chief justice of the state supreme court, and governor; and of J. W. Throckmorton, governor. Some of the smaller groups, unnamed here, are of unique value. A recent leaflet published by the library lists more than one hundred distinct groups of papers, though not all belong to Texas. Many others have been located, some of which have been promised; and hardly a month goes by without the receipt of some valuable collection.

In addition to original manuscripts, thousands of photostatic copies of documents in other places have been obtained. Many small groups of private papers that could not be acquired permanently have been borrowed and copied by photostat. Among the more notable groups of official photostats is the complete correspondence in the office of the United States Bureau of Indian Affairs

in Washington, relating to Texas Indians from 1846 to 1861. Similar copies have been made of the original population schedules of the census enumerators' returns for a number of Texas counties in 1850 and 1860, and it is planned to complete these series. At the present time the archives of several Mexican towns along the south side of the Rio Grande are being examined for documents relating to Texas and photostat copies made of those found. The indications are that they will run high into the thousands. The archives are now crowded into a large vault and one adjacent room where calendaring, copying and research go on together as best they can; but the plans for the extension of the library building provide for greatly enlarged space and much better working conditions. The library building is fire-proof.

Even a brief summary of the materials preserved in the University library for the study of Texas history would be incomplete without mention of the Genaro García Collection, purchased in 1921, from the heirs of the Mexican historian whose name it bears. This wonderful collection is devoted primarily to the history of Mexico, but in the nature of things it contains much both in print and manuscript relating to Texas and supplements most admirably the material in the state library and in the Texas Collection in the University library.

HISTORICAL SOCIETIES IN TEXAS

The first historical society of importance in Texas was organized at Galveston in 1871 and was known as the Galveston Historical Society. It gathered considerable material, but the society ceased activities many years ago. A portion of its collection was lost in the great storm that swept over Galveston in September, 1900. What was left has been deposited in the Rosenberg Library in Galveston.

The Texas State Historical Association, already referred to as organized in 1897, is the largest and most important historical society in Texas. It has never been financially able to purchase historical material; but it has received thousands of volumes of exchanges and some valuable gifts which it has deposited in the library of the University where they are available. One of the most important of these gifts is the Philip C. Tucker Collection which contains much valuable material on the history of Galveston.

The Association has devoted its meagre financial resources to the publication of a Quarterly, now called the *Southwestern Historical Quarterly*, which is in its thirty-second volume. It is widely recognized as the authoritative journal on the history of Texas. One of the chief functions of the state-supported historical society or commission, as it usually exists in other states—the publication of a journal—is performed in Texas, therefore, by a self-supporting organization. The work of editing the *Quarterly* and of managing the affairs of the Association has always fallen upon certain members of the staff of the department of history of the University.

Of late years several sectional historical societies have sprung up in different parts of Texas. The West Texas Historical Association, with headquarters at Abilene, has for four years published a valuable *Year-book* containing the proceedings of its annual meetings. At Canyon, further west, are the headquarters of the Panhandle-Plains Historical Society which has collected much useful matter on the history of the plains region as well as some interesting museum material. In the summer of 1928 it issued the first number of *The Panhandle-Plains Historical Review*. The East Texas Historical Society, organized about three years ago, is also active and has ready for publication its second bulletin which will contain the papers read at its meeting at Huntsville in the spring of 1928. All of these organizations are closely connected with colleges and the motive force for each is found chiefly in the college history departments. Several county and city historical societies are in existence, but they have done little in the way of collecting or publishing.

The state of Texas has done something but not nearly what it should have done for the preservation of its historical records. The legislative appropriations for each of its two great repositories have been meagre in comparison with what has been needed. No workable provision has ever been made for the transfer of the rich county records to a central depository, for the only law on the subject merely *allows* county and district clerks to transfer those records that are no longer needed to the state library or to the University library, and they have felt no compulsion to do this. Considering the circumstances, what has been done is indeed notable, but it has been due to good fortune, to intelligent gifts, and to the energy and devotion of a handful of workers.

Despite these complaints of a lack of perfection, however, it is easy to see that the investigator has abundant opportunities for research in the history of Texas from the times of Cabeza de Vaca and La Salle to Governor Dan Moody. Fortunately for the student the materials are fairly well concentrated, for the Texas State Library and the University of Texas Library are within fifteen minutes easy walk of each other. The difficulties one encounters are not due to lack of materials as much as to the physical discomfort of narrow, crowded working quarters where it is almost impossible to find an unoccupied table on which to spread books and documents. There is a fair prospect that this condition will soon be remedied in each of the two libraries. Perhaps the greatest need is for more generous legislative appropriations for searching the State over for other old newspaper files and for the hundreds of thousands of manuscripts which are suffering destruction every day because their owners do not understand their value to the historian.

RECREATIONAL AND CULTURAL ACTIVITIES IN THE ANTE-BELLUM TOWN OF NORTH CAROLINA

By GUION GRIFFIS JOHNSON

The social life of an ante-bellum town in North Carolina was to be found in the gay scenes of the subscription ball, in the dignified lectures of the lyceum club, and in the hilarities of the cock pit and the race track. The monotony of everyday life was relieved by friendly visits and petty gossip. In the course of each day's work the men of the town were accustomed to loiter for a few minutes of recreation over a drink of brandy or a neighborly chat. The village tavern, the grog shop, and the corner store afforded opportunities for this daily social intercourse.

PUBLIC SOCIAL CENTERS

A town without a tavern was not a town. Almost every community of more than a thousand inhabitants had two or more of these "public houses" where the men daily congregated to drink grog and talk politics. A young aristocrat was said to have received half his education hanging about a tavern, and the chief occupation of a dandy was thought to have been dangling his legs on the front porch of the most fashionable hotel in town. In Raleigh the leading taverns for many years were Casso's near the State House and the Indian Queen next door to the courthouse. In 1812 Charles Parish built a three story brick building, one of the first brick buildings in Raleigh, which he designated as the Eagle Hotel.¹ The LaFayette was for many years the most popular hotel in Fayetteville, but in 1849 the Fayetteville, said to have been the handsomest and the best equipped hotel in the State, was built and at once became popular. To the hotel, citizens of the town went to celebrate special occasions. No Fourth of July was properly commemorated unless the leading men of the town had dinner there and a dance at night for the ladies.

¹ The proprietor ran the following advertisement in the leading papers of the South:

"Charles Parish informs his friends and the public that his tavern is now open for the reception of travellers and boarders in the new three story building north of the State House and fronting Union Square. The house is spacious, completely finished, and well furnished, and the stables equal to any. For a well supplied table (served from a neat and cleanly kitchen) luxuries of the rooms, beds, attendance, &c.&c., it is determined that this tavern shall excel any in the Southern States."

In the latter part of the ante-bellum period grog shops came to rival the tavern as a daily gathering place. While the gentry still clung to their old haunt, the tavern bar, the lower classes turned to the tippling houses. It was this fact which led a citizen of Raleigh to exclaim in alarm in 1856, "It is notorious that more ardent spirits are consumed here than at any former period."² The grog shop was especially popular on holidays and Saturday nights. The practice of having a Saturday night frolic was common even among the higher social classes,³ although members of this group seldom took their week-end recreation in a public shop. In 1832 a petition to the General Assembly from a number of residents of Hillsboro stated that grog shops, "often in spite of every effort the owners may be enabled to use, become the places of rendezvous for all the idle, profane, drunken and profligate of the town and its vicinity, the evil example of the young and unexperienced, and to the disturbance of the public peace."⁴

The main street of town was a popular gathering place seven days in the week. At the leading village store where everything from a gallon of brandy to a yard of broadcloth could be purchased⁵ the town gossip was served up amid boisterous laughter and droll shakings of the head.

In 1877 the shop talk of Fayetteville was violently agitated for more than a week over a question of such interest as to supercede all other topics of conversation.⁶ The presidential election, the West Indian trade, the price of cotton, the weather, everything gave way to a knotty question propounded in the *National Intelligencer*: "How many dollars will 500 cents multiplied by 500 cents produce?" Bets ran high. The question was hotly argued day and night for a week without being settled. While some insisted that the answer was \$25, little faith was placed in it and sums vary-

² *Standard*, Jan. 16, 1856.

³ *Western Carolinian*, July 25, 1820.

⁴ MS. in Legislative Papers, 1832.

⁵ The following advertisement inserted by Randolph Webb in the *Raleigh Register*, February 10, 1815, illustrates the manner in which these town shops carried on their business:

"The subscriber has on hand, and intends keeping, at the SIGN of the MORTAR, nearly opposite Capt. Mitchell's Tavern, Raleigh, a general Assortment of Medicines, Paints, Oils and Turpentine; China, Glass, Queens & Hardware; Stationery; Groceries and Confectionary; with foreign and domestic Fruits. All of which he is determined to sell low for ready money, or paper negotiable at either of the Banks; or he will receive in exchange, bees wax, tallow, flaxseed, and commomile flowers. All applications and orders, accompanied with the foregoing articles of exchange, will be thankfully received, and executed with the utmost dispatch. He also keeps on hand Stamped Paper of various denominations; and will receive and dispose of, on Commission, Goods and Produce of every description."

⁶ *Fayetteville Observer*, Jan. 16, 1827.

ing from two and a half cents to \$2,500 were bet upon as being correct.

In fair weather the men took their problems outside to be settled. Groups of men might be seen on the street in front of the postoffice or near the courthouse engaged in conversation at almost any time during the day except in the early afternoon. The women, too, were not above the pleasure of a stroll on a public street. Fayetteville Street early became a favorite parade ground on Sunday afternoon for the belles and beaux of Raleigh. In 1807 the Sunday promenade of Edenton was interrupted by the congregating of slaves on the streets in such numbers that the "fair sex" found it difficult to pass without being jostled.⁷

The village had too many counter attractions for the church to play as important a role in the social life of the townspeople as in that of the country folk. It is true that public lectures and political speeches were sometimes held in the leading church of the town; but, since the building was only one of several which might be used for public gatherings, the tendency to look upon the church simply as the house of God led the people to set it aside for religious purposes.

The village academy afforded an auditorium large enough to accomodate village audiences, and the school had exercises of its own which attracted the upper social classes. It was customary for the closing examinations to be given publicly. In 1821 the semi-annual examination of the students of the Raleigh Academy was brought to a close by the presentation of honorary certificates and gold medals. Dr. James M. Henderson, in behalf of the trustees, then delivered "a very appropriate address."⁸ Music was introduced by the Amateurs' Band between the different parts of the program.

Nearly every town had a secret lodge of which the leading men of the community were members. Most of these lodges were Masonic, although after 1841 some Odd Fellow lodges began to appear. In all the largest towns of the State the Masonic lodges had buildings of their own. In Fayetteville the first floor of the hall was used for a while as the town theater; while the building of the Roy-

⁷ *Edenton Gazette*, Nov. 18, 1807.

⁸ *Raleigh Register*, June 8, 1821. In 1854 George Setzer, of Newton, wrote to J. F. Hoke, a member of the General Assembly: "We had the joliest time here at the end of our School ever was saw in Newton. They had the Lincolnton band up to glorify the occasion. They done things up tolerably brown, all went off first rate."

al White Hart Lodge of Halifax served for several years as a school-house.⁹ Hiram Lodge, Number Forty, at Raleigh, however, was more jealous of its hall, than this. In 1827 a request was made for the use of the refreshment room for a formal ball in honor of Governor H. G. Burton, but the lodge after a brief discussion refused permission.¹⁰

PRIVATE SOCIAL ACTIVITIES

At the opening of the nineteenth century the subscription ball was coming into popularity, and the vogue continued until 1860, although with some diminution as private entertainments increased. The custom of having subscription balls was sometimes introduced into the village by a meeting of the leading citizens who passed a resolution "to establish Subscription assemblies for the season, instead of having occasional Balls as heretofore."¹¹ Some ten managers would be appointed for the season and the dates set, perhaps, at the second Friday in November, January, February, March, April, and May and the Fourth of July. The managers were vested with the power of fixing the subscription price which was usually five dollars and with determining the eligibility of an applicant. A general rule prevailed that all "respectable" men should be permitted to subscribe.¹²

A correspondent of the *Hillsborough Recorder* in 1820 objected to the public balls on the ground that they "fostered class spirit," injured "female health and morality," and "increased the disinclination to attend divine worship which was already too prevalent."¹³ The religious denominations began early in the century to frown upon dancing, but they had little success in abolishing it among the upper social classes.¹⁴ Undoubtedly the lower social classes came to look upon dancing as an evil as they did upon most things of which they had little knowledge and from a participation in which they were barred by social status.

Dancing was, indeed, the favorite form of amusement at any social gathering of the gentry. The favorite dance was the cotillion, although at least thirty other kinds of dances were known

⁹ Allen, W. C., *History of Halifax County*, p. 94. Boston, 1918.

¹⁰ Nichols, John, *History of Hiram Lodge*, No. 40, p. 20. 1901.

¹¹ *Raleigh Register*, Feb. 8, 1803.

¹² Battle, Kemp P., *Early History of Raleigh*, p. 75. Raleigh, 1893.

¹³ *Hillsboro Recorder*, Aug. 20, 1820.

¹⁴ See MS. in John H. Bryan Papers, Vol. III, June, 1840. In possession North Carolina Historical Commission, Raleigh, N. C.

and used on occasion.¹⁵ In 1822 William B. Shepard, later a member of Congress, was disgusted to find "the collected beauty and fashion" of Elizabeth City dancing only scampers. "I reprobated the things and collected a set in a cotillion," he wrote his sister, "but I found that I was too deep for them."¹⁶

Wine and whisky were sometimes served at a dance, but the amount of drunkenness that occurred has been exaggerated by advocates of the prohibition movement and those opposed to dancing. A correspondent to the *Western Carolinian* in 1820 under the signature of "A Stranger" stated that it was customary for the beaux of Salisbury either to go to a dance disgracefully drunk or to get so "blue" shortly after arriving as to stagger in their movements.¹⁷ Instead of being ordered from the floor they were invited by the managers to walk up to the side-board and take another drink; while a servant now and then was sent with water and lemonade for the ladies. These drunken fellows would dance three or four times with favorite girls and leave all the married women and unattractive maidens to shift for themselves. If a staggering beau sometimes ruffled the cape and tread on the toes of a fair one, she only smiled, for she preferred having a staggering beau to none at all.

Other forms of entertainment indulged in by the gentry were teas, set suppers, and "parties." An informal party at the home of a member of the gentry class in Salisbury has been described by a New England visitor in his journal of a tour to North Carolina as being a delightful affair: "Wine, almonds, and raisins are set in the room and you help yourself when you please—there is no sitting round the fire—but all is life, and conversation and music. I did not take much part in the conversation—it was light, but with sense enough scattered through it, to keep it from flying off to the moon— . . . broke up about twelve."¹⁸

A set supper required a large room and several servants to be successful. When John H. Bryan, who was in Washington serving a term as United States Congressman, found that his wife had undertaken a set supper he was irritated at her extravagance:¹⁹

¹⁵ *Raleigh Register*, March 11, 1805.

¹⁶ MS. in John H. Bryan Papers, Vol. I., Feb. 14, 1822.

¹⁷ *Western Carolinian*, July 25, 1820.

¹⁸ Barnard, Henry, "South Atlantic States in 1833," *Maryland Historical Magazine*,

¹⁹ MS. in John H. Bryan Papers, Vol. II., Jan. 19, 1828.

Vol. XIII, No. 3, p. 334.

I wonder . . . that you should have had one of those old fashioned, countryfied set suppers (you have no room fit for one—or for an entertainment) as if instead of assembling for the feast of the soul, the body & appetite were principally to be gratified—you had so fair an opportunity too, of introducing the Washington style—which is more convenient, much cheaper & more rational.—If that style too should prevail, the parties might be much more frequent, as persons could afford to give five for one of the old style.

The members of the lower social classes had neither the time nor the money to indulge in such festivities. Their women gave no formal teas or set suppers. Their domestic duties were sufficient to keep them thoroughly occupied. They did have occasional fireside chats at which a bottle of “homemade”²⁰ might be passed, but their chief diversions were those which were to be enjoyed at public gatherings in common with the rest of the townspeople.

The young mechanics and store clerks might decide to have a charivari and serenade the town at midnight with a mighty beating of tin pans and buckets. Every town, in fact, had a group of rowdies, recruited from the sons of the gentry as well as the mechanics, which could always be relied upon to play pranks at unexpected times. If it were cold weather the scheme, perhaps, would be to ring the town bell sharply at midnight and amid the rapid shooting of guns to give the alarm of fire. As the citizens would come hurrying to the scene with night shirts flapping in the winter breeze, someone against whom the disturbers had a grudge would suddenly be drenched with a bucket of water. In 1858 the *Hillsborough Recorder* characterized one of these pranks as a gross outrage. “Like many other places,” said the editor, “we have occasionally had amongst us a few rude, rowdy, drinking fellows, whose acts have somewhat tarnished the reputation of our town; and recently some idle, dissipated and evil disposed boys have disturbed our quietness by acts of wanton mischief in their midnight rambles.”²¹ In this instance three of the young fellows were arrested, and Hillsboro again enjoyed a night of rest.

TOWN CLUBS

The townspeople occasionally formed clubs and societies which afforded recreation for the members and not infrequently had a

²⁰ This was a common term for home brewed liquor.

²¹ *Hillsborough Recorder*, reprinted in *Raleigh Register*, Oct. 13, 1858.

salutary effect upon the whole life of the town. This was true of most of the women's clubs which were concerned chiefly with charitable work. Foreign mission societies and female benevolent societies were the most general type of women's club during the antebellum period. The first female benevolent society incorporated was that of New Bern in 1812. It had a precarious existence for several years and finally ceased to function, but in 1854 another such organization was chartered. The Raleigh Female Benevolent Society was incorporated in 1821 with Mrs. Sarah Hawkins Polk, wife of Colonel William Polk, as "directress." She was the life of the organization until her death, and under her influence a thriving charity school for the instruction of orphan girls was maintained. The society observed an anniversary celebration which was the occasion for a sermon at one of the local churches and the collection of funds for the maintenance of the school. In 1846 the *Register* spoke of the society as one of the most valuable influences in the life of the town.²²

In 1830 the women of the congregation of St. John's Church of Fayetteville, who had organized the Female Society of Industry, had in operation a charity school for girls. Soon after the establishment of the school, the editor of the *Observer* took occasion to state that he was "pleased to see that a portion of the ladies of our town, instead of engaging in the common crusade of Foreign Missions, have turned their attention to objects at home."²³

Some of the towns also had female tract societies. The Raleigh Club was organized some time prior to 1826. In 1827 the annual report made by the president, Mrs. Sarah Cobb, indicated that the society had distributed some twenty thousand pages of tracts. Occasionally women organized a club to accomplish a special purpose. For instance, when the Presbyterian Church in Fayetteville was in need of repair in 1830 the women of the congregation formed a Working Society and after five months of steady perseverance made enough articles to hold a respectable two-day fair in the reception room of the Masonic Lodge. Repairs on the church were started immediately afterward.

The clubs which attracted the membership of the village men

²² *Raleigh Register*, Nov. 13, 1846. By 1850, however, the society had fallen into decay.

²³ *Fayetteville Observer*, April 22, 1830. There was also an active society in Wilmington as early as 1817, and as late as 1852 the Ladies Benevolent Society of Wilmington was incorporated. Elizabeth City had a Dorcas Society which was incorporated in 1830.

were debating, literary, library, lyceum, and theatrical societies. These clubs never had an existence of more than ten or fifteen years, while the average life was two or three years. The library society was one of the earliest forms of town clubs to appear.²⁴ A number of men in the community associated themselves together and by the payment of a small annual membership fee of from fifty cents to ten dollars obtained a few books which were circulated among the subscribers. As the number of books increased, the society usually sought incorporation by the state legislature. If the society prospered over a period of several years an attempt was generally made to establish a reading room equipped with newspapers, maps, and globes.

In 1808 the students of the Raleigh Academy and a few prominent men of the town organized a circulating library club under the name of the Polemic Society. The books were kept at the academy and a student was appointed to act as librarian.²⁵ In 1813 when the society aspired toward a reading room the *Star* eagerly supported the plan.²⁶

There are reading rooms in Newbern, Wilmington, and Fayetteville, and they are the fashionable resort of all respectable people of those places. It would be a reproach to this Metropolis to remain longer without such an establishment. The town wants a fashionable lounging place, where intelligent citizens and strangers can meet daily, and enjoy the pleasures of reading and conversation.

No reading room was established, however, until November, 1815 when the Raleigh Library Company, including the membership of the Polemic Society, was organized. The company was made up of forty members who paid a membership fee of ten dollars the first year and five dollars a year for five years thereafter. The reading room was provided with maps, gazetteers, public documents, four magazines, and sixty-seven newspapers, with one from every state in the union and three printed in foreign languages. General Calvin Jones, a planter who lived near Raleigh and editor

²⁴ See *Raleigh Register*, July 19, 1810. The following library societies were incorporated between 1794 and 1860: Fayetteville, Williamsboro, New Bern, Person County, Raleigh, Centre in Iredell County, Buffalo in Lincoln County, New Salem, Alamance in Guilford County, Carraway in Randolph County, Union in Iredell County, Richland Creek in Guilford County, Hillsboro, Sandy Creek in Davidson County, Clinton in Stokes County, Farmers' in Northampton County, Greensboro, Abbott's Creek in Davidson County, Ebenezer in Randolph County, New Garden, Nazareth in Guilford County, Hookerton, Asheville, United Brothers in Lenoir County, Farmers' in Chatham County, Providence, Juvenile in Mecklenburg, and Williamston.

²⁵ *Raleigh Register*, April 21, 1808.

²⁶ *Star*, Oct. 8, 1813.

of the *Star*, deposited there some of the articles which he had collected for a museum. The reading room was well patronized for a while, but the funds needed to maintain such an establishment were difficult to obtain and the plan was abandoned some time after 1820.

With the establishment of the state library which received its first large appropriation of \$1,000 in 1840, Raleigh no longer felt the necessity of keeping up a reading room.²⁷ In an out-of-the-way part of the capitol was to be found the library which by 1860 had grown to a thousand or more volumes. A librarian was employed and an attempt made to bind and preserve copies of the principal papers of the State. The chief value of the library at this time was considered to be a reference room for legislators.

Debating clubs and literary societies were also in general favor during this period. The clubs met sometime as frequently as once a week and held public debates several times a year. A popular subject for debate was, "Which contributed the most to mankind, Columbus in discovering, or Washington in defending America?" The literary, or reading societies as they were also called, were organizations for the discussion of geography, history, philosophy, and related subjects. Some young men obtained their chief education through these literary societies. A young man who had himself acquired a taste for reading in this manner urged in 1820 the organization of literary societies throughout the State as a substitute for a formal education.²⁸

The lyceum societies began to appear in North Carolina about 1830. A few of the best educated and influential citizens, those generally in the learned professions, would organize a society, purchase a small library, and deliver public lectures during the winter months. The first lyceum association of Fayetteville was formed in 1834 and Robert Strange, a prominent lawyer and political leader, gave the first lecture. In announcing the address to the public, the society said: "It is expected that this lecture will be the first of a series, to be delivered by different members of the association to which the public are respectfully invited. The happy effects produced by such means in other places, justify the hope that the

²⁷ The fire which destroyed the capitol in 1831 also destroyed the state library. No appropriation to replace the library was made until the legislature of 1840-1, when a bill was passed setting aside a thousand dollars a year for two years "to purchase a library."

²⁸ *Hillsborough Recorder*, Sept. 6, 1820.

taste for literature in the community will be greatly increased thereby."²⁹ The hope of the members seems to have been realized, for the *Observer* re-recorded that the large room in which the lectures were being delivered was crowded at each meeting. "The increasing attention bestowed on the Lectures delivered by members of the Lyceum," said the editor, "are not only highly gratifying to those who projected and have commenced them, but afford undoubted evidence, that it is a mistaken notion, too hastily adopted here, that commerce and literature cannot flourish together in the same community."³⁰

Following closely the plan of the lyceum association, Salisbury organized in 1848 an institute which dedicated itself to the investigation of "all subjects of practical utility to man,—politics and religion excepted."³¹ It was planned to have one lecture a week before a small group of friends, a more public lecture once a month, and a still more important one on the week of every court. The first of the series was delivered by Charles Fisher, for many years the most influential political leader of Western North Carolina, in the courthouse in November, 1840, on the subject of railroads and the applicability of steam as a moving power.

Perhaps it was this ambitious program of Salisbury which led several of the citizens of Raleigh to feel "the want of an association for mutual improvement and entertainment, in the nature of a Lyceum or Debating Society, with a suitable Hall for meeting, a well selected library, and Periodicals; which may become a place of resort for social and intellectual enjoyment, as well as improvement and which could not fail also to exert a happy moral, as well as refining influence."³² By 1850 almost every town and village in the State had some kind of lyceum society.

By 1800 there were groups of young men in several of the towns of the State who had some leisure at night and turned their attention to amateur theatrical performances. In New Bern there was a Theatrical Society composed of "the Gentlemen of the town." In 1806 the *North-Carolina Journal*, of Halifax, expressed itself

²⁹ *Fayetteville Observer*, Dec. 23, 1834.

³⁰ *Ibid.*, March 3, 1835.

³¹ *Standard*, Dec. 8, 1848.

³² *Star*, Jan. 7, 1852. "In many towns and villages of less population and less material they have their lyceums, their Atheneums and their Debating Societies," said the *Star*, "and they are kept up with spirit and energy combining the *utile dulci*, and conferring incalculable benefits upon the communities in which they exist. . . . Why should Raleigh, the Metropolis of a great and glorious State, lag behind, or rather not participate at all in this race of intellectual and moral improvement?"

as being pleased to announce that a number of gentlemen had organized themselves into a company for the purpose of amusing the public with theatrical representations.

The Thespian Society of Raleigh which had a checkered career for three decades was organized in 1807 to entertain the public and to obtain funds for the Raleigh Academy.³³ In 1814 the society was able to undertake the erection of a theater which was opened in January of the following year with Morton's comedy, *Secrets Worth Knowing*, and a farce entitled, *The Bee Hive*. The building which was extravagantly praised as being "superior to that of any theatre of its dimensions in America," was the work of A. Lucas, an editor of the *Star*.³⁴ Scenery and decorations, which were "almost unrivalled in splendor and tasty execution" were obtained for the stage and copies of the most fashionable music procured for the orchestra.

By 1838 the old Thespian Society had fallen into decay and a new organization under that respectable name appeared, but without the success of the former association. The editor of the *Register* thought the second performance of the club showed a marked improvement over the first attempt. With a little more promptitude in scene-shifting and attention to other minor matters, he thought they could safely challenge criticism. "We attribute the success of the last performance in some measure" said the editor, "to the good order enforced in the House, which may still be further improved, if gentlemen, who prefer the Pit, will bear in mind that the seats were made to sit and not to stand on—and if the junior branches of the audience will crack fewer nuts."³⁵

The Thalian Association of Wilmington which had been organized some time prior to 1800 had a career similar to the Thespian Society of Raleigh. It was organized three different times during the ante-bellum period, the last being about 1846.³⁶ Governor Edward B. Dudley was a member of the association; James S. Green, treasurer of the Wilmington and Weldon Railroad Company, was the star comedian, while William M. Green, later Bishop of Mississippi, excelled in the role of heroine.

Fayetteville also had a Thalian Association which was incorpo-

³³ *Raleigh Register*, March 30, 1807.

³⁴ "Dramaticus" in *Star*, Jan. 13, 1815.

³⁵ *Raleigh Register*, March 19, 1838.

³⁶ Sprunt, James, *Chronicles of the Cape Fear*, pp. 198-209.

rated in 1814 and Salisbury a Thespian Society incorporated in 1813. The Salisbury Society, like its prototype in Raleigh, was organized to encourage the establishment of a local academy.³⁷ John Lawson Henderson was for a number of years president of the society. Associated with him were such men as Charles Fisher, James Martin, Stephen Lee Farrand, Thomas L. Cowan, and John Giles. A barn served for a time as the Thespian playhouse, but by 1822 the society had a more ambitious theater. Later a Thalian Association was organized in Salisbury and in the summer of 1829 was giving performances at the house of Mrs. Yarborough, the widow of Colonel Edward Yarborough of Revolutionary fame.³⁸ Other towns, such as New Bern and Warrenton, had their Thalian and Thespian societies too, but they have left meager records of their existence.

Theatrical companies from the north also visited the State, usually playing at Raleigh, Fayetteville, New Bern, and Wilmington. A company might spend several weeks in one town, giving two or three performances a week. After a few plays had been presented, benefit performances for the actors would be given, the receipts of the ticket office for that night going to the player specified.³⁹

With the appearance of the *Beggar's Opera* in America, the press of North Carolina as well as that of other states began to carry protests from readers against the "eternity of terrors" which a theater hid beneath its magnificence. "The necessity for theatrical exhibitions does not exist in our day," said a correspondent of the *Register*.⁴⁰ "Every time we indulge in these amusements," wrote another, "we run the risque of giving nature a victory over conscience." . . . A month has not elapsed, since part of the audience abandoned the theater, during a performance, in a neighboring city, on account of indecent exposure of person in a female! Perhaps it will be said that this argues a virtuous refinement, prevalent among those who attend the Theatre in our day. Not so—for the number that retired, was unfortunately but small."⁴¹ Shakes-

³⁷ *Sessional Laws of North Carolina*, 1813, ch. LIV. See also Henderson, Archibald, "Salisbury Thespian Society," *Greensboro Daily News*, Dec. 5, 1926.

³⁸ *Western Carolinian*, June 30, 1829.

³⁹ *Raleigh Register*, July 17, 1818. " . . . liberality it is confidently hoped, will be extended to the Performers at their Benefits; the only prospect they have of recompense, for very heavy travelling expenses. It is a fact, that the whole of the salaries which will be received by some of the company during their stay here, will not repay the sums expended by them in their journeys from the North."

⁴⁰ *Ibid.*, Feb. 7, 1823.

⁴¹ *Ibid.*, March 7, 1823.

perian plays were denounced as being nothing more than oaths and imprecations clothed in poetic language.

This attitude on the part of a few citizens and especially of the evangelical clergy, together with the fact that many of the strolling companies were inferior in ability, led to an increasing distrust of the theater. The *Fayetteville Observer* in 1835 stated that a theatrical company had for the first time in many years made money by a visit to that place. "And it is accounted for," said the editor, "by their good acting, and the uniformly correct and gentlemanly deportment for which they were distinguished."⁴²

Other performances, such as wire walking, comic singing, and the exhibition of natural and artificial curiosities always drew large crowds. Who would not be intrigued by the following advertisement, especially since the manager assured the public that it would be both "rational amusement and an extraordinary novelty?"⁴³

The Wonderful Birds of Knowledge, Tippto Saib and Fairy, from England, India and the Canary Islands. Tippto Saib, the Little Indian Tumbler, will balance, stand on his head, mount sentry, lie down and feign to be dead, and jump up at the word of command &c. Fairy will next delight every one present by playing a Match at Dominoes with the Canine Philosopher.

The Siamese Twins, who were frequently exhibited in North Carolina, aroused considerable curiosity and their subsequent history was followed with interest in the state press especially since they married and settled at Mt. Airy. Almost every year or two a circus company passed through the State, visiting the most important towns.⁴⁴ The company usually stayed several days or even a week in one place. In the last decade of the ante-bellum period the number of amusements began to increase. In Tarboro, for instance, only one public performance of any kind was given in 1832 for which a state tax was exacted, while twenty years later the sheriff reported that taxes had been paid for the performance of three concerts, one circus, and the exhibition of a natural curiosity.⁴⁵

⁴² *Carolina Observer*, July 14, 1835.

⁴³ *Ibid.*, Jan. 15, 1829.

⁴⁴ *Ibid.*, Oct. 18, 1826. "We have been so long without public amusements of any kind, that it is particularly gratifying to know that a Circus is to be opened in this place a fortnight hence. There is not a more interesting species of exhibition, nor one that would be more liberally patronized in this place—for a few evenings only."

⁴⁵ Edgecombe County Court Minutes, Aug. term, 1832; Aug. term, 1852. In custody of North Carolina Historical Commission, Raleigh.

Nearly every town of more than five hundred inhabitants had at least one band, and if an academy were located in the community it might even have a music club. All who owned and could play a musical instrument were usually eligible for membership in the band. The band master was frequently a local music teacher. If the Fourth of July was to be celebrated, the band led the parade; a criminal to be hanged, the band cheered the crowds with flare of trumpets and beating of drums. In 1829 the Raleigh band gave a concert to the ladies on Capitol Square. The grove was lighted with variegated lamps and the seats were arranged in a semi-circle. After the program refreshments were served and "a part of the company joined for a short time in the mazy dance."⁴⁶ Young Mary Bryan when visiting friends in New Bern in 1848 wrote to her mother that the town had two very good bands, the Negro Band and the City Brass Band.

Only a few towns, such as Raleigh, Wilmington, New Bern, and Greensboro could boast of an Harmonic or Euterpean society, and the music clubs in these towns did not have a continuous existence. As early as 1819 a concert at the State House by Mr. Goneke's pupils in music and the Harmonic Society was announced, but the society evidently did not prosper for no further account of its activities can be found. Greensboro had a glee club in the fifties which was directed by Heinrich Schneider, the music teacher of Edgeworth Seminary.⁴⁷

Every ambitious town also had a corps of city guards which was as much a club for its members as the debating or literary societies were for their followers. A village boasted as much of its uniformed company of guards as it did of its academy or its town pumps. The military corps formed a conspicuous part in every procession. The legislature in 1806 passed an act sanctioning the organization of volunteer companies of artillery, light infantry, grenadiers, or riflemen who were entitled to provide for themselves uniforms of their choice and fashion. These volunteer corps made a practice of having a dinner in celebration of national independence and occasionally gave balls. In 1857 the Oak City Guards, the volunteer company of Raleigh, organized a lyceum association and procured several prominent men from out of the State to give

⁴⁶ *Raleigh Register*, July 9, 1829.

⁴⁷ Caldwell, Bettie D., (ed.), *Founders and Builders of Greensboro*, p. 197. Greensboro, 1925.

programs for the public. William Gilmore Simms, the famous novelist of South Carolina, gave four lectures in February as one of the speakers in the series.⁴⁸

The tradesmen came also to have organizations of their own. As early as 1795 mechanics associations had been organized in Wilmington and Fayetteville. In 1802 the Wilmington Association petitioned the General Assembly against Negro slaves being employed as mechanics. There were similar organizations in New Bern and later in Plymouth, Fayetteville, Raleigh, Oxford, and Asheville.⁴⁹ By 1840 mechanics had obtained the idea of securing a fair return for their work and organized societies with that end in view. The associations were local and had occasional meetings, but there is no evidence that the members attempted to provide social gatherings for their class. The meetings were merely for the discussion of ways of protecting the skilled trades from encroachment by the Negro mechanics and of securing prompt payment from their customers.

SPORTS

The century opened with cockfighting in general favor. The main usually consisted of twenty-one cocks with a purse of from three to five hundred dollars a main. Easter Monday was a popular time for the fights, but there were also regular spring and fall contests. On the day of a contest, all roads leading to the town where the main was to be held were alive with carriages, horses, and pedestrians hastening to the cock pit, which might be at a tavern, a country store, or in a spacious square near the center of town. Spectators crowded about the pit, the gentry with the yeoman without regard to status, waiting for the birds to be produced.⁵⁰ The cocks were often beautiful and well trained fowls. Each was armed with long, steel-pointed gaffs firmly attached to its spurs. Amid the lusty shouts of the crowd, the birds stepped proudly about, advancing nearer and nearer, until with a rush each suddenly drove the gaffs into the body of his opponent. Both might be struck dead at the first thrust, but if not, they fought

⁴⁸ *Standard*, Feb. 25, 1857.

⁴⁹ Some of the mechanics associations were organized for benevolent purposes. In 1805 the petition of the "mechanics and tradesmen of the town of Newbern" for incorporation as the Newbern Mechanic Society stated the association to be "for the purpose of assisting unfortunate and decayed tradesmen;—for relieving distressed members and widows of members deceased; and generally, for promoting harmony and good will."

⁵⁰ For an excellent description of a cockfight see Watson, Elkanah, *Men and Times of the Revolution*, (New York, 1856), pp. 261-262.

on with spirit. After repeatedly being pierced, they would continue to make stabs as long as they were able to crawl.

In 1806 a three-day main was fought in Pittsboro at Joseph Harman's tavern for ten dollars each fight and three hundred dollars the main.⁵¹ In the same year a number of gentlemen of two lower counties in North Carolina and of two southern counties in Virginia offered to meet gentlemen of Maryland at Norfolk any time between March 20 and July 18, 1807, to show fifty cocks and match not less than twenty-one in the main. The main was to be for a purse of from one to ten thousand dollars according to the amount agreed upon.⁵²

Cockfighting was looked upon in some sections of the State early in the century as barbarous and irreligious. A correspondent of Thomas Henderson, editor of the *Star*, in 1810 stated that the religious beliefs of the people of Moore County had caused them to give up cockfighting as contrary to benevolence and humanity.⁵³ In 1824 James Wellborn, senator from Wilkes County, presented a bill to suppress the sport but it was immediately defeated.⁵⁴ After 1815, however, only a few large purses were offered publicly.

Horse racing was the leading sport of the townspeople at the opening of the nineteenth century, and it remained in favor throughout the ante-bellum period. By 1800 jockey clubs had already been organized in several of the counties. Thoroughbreds had been imported from England, and Hillsboro, Halifax, Pittsboro, Warren-ton, New Bern were having their fall and spring races.⁵⁵ The races were usually held over a period of three days; the town was crowded with visitors from the country and neighboring villages; bets ran high; and a tremor of excitement pervaded the whole community. Each day was usually concluded with a ball which was attended by the fashion and beauty of the surrounding country.

At first, course racing was carried on in a small way, for very little time was spent in training the horses and very little money ventured in purses. The following advertisement which appeared in the *Raleigh Register* of September 28, 1802, is typical of the

⁵¹ *Raleigh Register*, July 14, 1806.

⁵² *North-Carolina Journal*, Halifax, July 28, 1806.

⁵³ MS. in Thomas Henderson Letter Book, "Moore County." In possession of North Carolina Historical Commission.

⁵⁴ *Journal of General Assembly*. In Senate, Dec. 8, 1824.

⁵⁵ For the regulation of course racing in North Carolina in 1804 see the Constitution of the Salisbury Jockey Club in Wagstaff, H. M. (ed.), "Papers of John Steele," Vol. II, pp. 791-794, *Publications of North Carolina Historical Commission*. Raleigh, 1924.

favorite type of racing at the beginning of the ante-bellum period:

On the fifth Friday in October next, will be run for, at Cedar Hill Course, near Lewisburg, one Mile Heats, an elegant Saddle, Bridle, Martingate and Whip, free for any Hag that never won a Purse, carrying weight for Age, agreeable to the New-Market Rules. Entrance Five Dollars, to be paid at the Time of subscribing. The saddle &c., will be hung up at the starting-Post. All the Money subscribed after paying for the Saddle, will be run for on the succeeding Day, free for any Saddle Horse. Entrance Five Dollars, to be paid as above. The Field will be furnished with the best Liquors and Provisions.

Quarter racing was pursued with great spirit. It was viewed as a hazardous venture in which the profit or loss was out of proportion to the capital invested. It was not uncommon for these races to be for a thousand dollars by men in moderate circumstances. As the years advanced toward 1860 more money was invested in horses, and more attention given to training.⁵⁶

A turf convention was held in Charleston in February, 1835, at which North Carolina sportsmen were present, for the purpose of fixing the time for holding the important races of the South and for improving the sport in general. Three years later North Carolina formed an association of its own, of which General Beverly Daniel was president and Major David McDaniel treasurer and proprietor.⁵⁷ The first races on the state course were run in November, 1838, and it was claimed that the purses offered were greater than those of any club "south of Baltimore or north of Mobile."

As early as 1810 an attempt was made to pass a law preventing horse racing, but all efforts to make the sport illegal were abortive. Since betting at a race was one of the features which gave zest to the sport attempts were also made to restrict this practice. In 1806 a bill was introduced to prevent bets on horse races for a distance less than a mile, and in 1810 a bill was passed to prevent recovery at law of any bet made on a race.⁵⁸ The clergy also frowned upon horse racing, but the sport as well as wagers on it continued throughout the period. Bets which in the early part of

⁵⁶ Thomas Ruffin, for nineteen years chief justice of the Supreme Court of North Carolina, was said to have owned one of the best thoroughbred mares in the South. The pedigree of this horse, Cherokee, may be found in Hamilton, J. G. de Roulhac (ed.), *Papers of Thomas Ruffin*, Vol. II, pp. 99-101. See also letter from A. J. Davis, pp. 151-152.

⁵⁷ *Raleigh Register*, Sept. 3, 1838.

⁵⁸ *Sessional Laws of North Carolina*, 1810, ch. xiv.

the century had been made openly through the newspapers, came, however, to be wagered privately.

Gambling, was, indeed, almost as popular as horse racing. There was a distinction, however, in the public mind between betting on a sport or at a game of cards and gambling at a game of chance. In 1764 it was made illegal to win more than five shillings within twenty four hours.⁵⁹ Several laws against "excessive gaming" had been passed in colonial days but the first drastic one was that of 1791 whereby public gaming tables, such as those commonly called A. B. C., E. O., or faro bank, were forbidden under a penalty of two thousand dollars.⁶⁰ This law was reinforced in 1798 and again in 1799. In 1835 it was made an indictable offence to play at a gambling table of any variety. A year earlier, lotteries, which had been popular in the first quarter of the century as means of raising money for the erection of academies, churches, and lodges, were forbidden on penalty of two thousand dollars.⁶¹

Gambling continued despite these laws. Dr. Jeremiah Battle in his history of Edgecombe County, written in 1811, listed card playing as a favorite form of amusement in that county,⁶² The players, however, were not disposed, he said, to make the winning and losing any great object, and added, "The Ladies have never been known to play here for money." Alexander Sneed of Rockingham in writing a history of his county in 1810 referred to "that vile and abominable practice of card playing &c, which is so prevalent at our County Court Houses, Taverns, &c."⁶³ In the same year Bartlett Yancey included card playing as one of the amusements of Caswell County saying, "Now and then may be seen a party with an old rusty pack of cards playing for whiskey." In 1835 Robert Potter, famous for his connection with the anti-bank movement, was deprived of his seat in the House of Commons for having behaved in an ungentlemanly manner at a card game. It appeared from the report of the committee appointed to investigate the facts that Potter had lost a considerable sum of money at cards.⁶⁴ Suddenly he snatched his former holdings which were lying on the table before him, drew a gun, and made his retreat.

⁵⁹ *State Records of North Carolina*, Vol. XXIII, pp. 611-613. Winston, N. C., and Goldsboro, N. C., 1895-1905.

⁶⁰ *Revised Statutes*, 1837, ch. xxxiv., Sec. 64.

⁶¹ *Ibid.*, Sec. 62-63.

⁶² MS. in Thomas Henderson Letter Book, "Edgecombe County."

⁶³ MS. in Thomas Henderson Letter Book, "Rockingham County."

⁶⁴ *Journal of General Assembly*. In House of Commons, Jan. 1, 1835; *Raleigh Register*, Jan. 6, 1835.

The bills against gambling had not restricted billiard and backgammon tables and shuffle boards, but permitted them to be maintained on the payment of a tax. Some of the papers of the State, led by the *Fayetteville Observer*, began a crusade against the billiard table as early as 1830, denouncing it as giving rise to the licensed gambling house.⁶⁵ Some of the towns followed the example of Oxford which at a public meeting in 1837 adopted resolutions calling on all inhabitants to co-operate in banishing from the society of the village itinerant gamblers, black-legs, and vagabonds.⁶⁶

SUMMER RESORTS

To escape the heat and malaria of the towns of the coastal plains the people of the villages of North Carolina in colonial times had retired to the country where cool springs might be found. This custom was continued in the ante-bellum period until it came to be a means of distinguishing those who were fashionable in town life from those who were not. There were some who made a yearly pilgrimage to Saratoga as well as to springs in Virginia and North Carolina. In 1802 Lenox Castle was, perhaps, the most popular summer resort in the State, but by 1810 a few were also visiting the Warm Springs near Asheville. Later in the period the number of visitors to these springs in Buncombe County had increased to five hundred but of that number only fifty were North Carolinians, for, as the editor of the *Register* complained, North Carolina had rather gad off to some other state than patronize its own "salubrious atmosphere of the west." In 1860 the summer resorts patronized in North Carolina were Warren Sulphur Springs near Warrenton, Shocco Springs, Warm Springs in Madison, the Sulphur Springs in Buncombe, the Piedmont in Burke, the Wilson Springs in Cleveland, the Catawba Springs in Lincoln, and the beaches at Nags Head, Beaufort, Wrightsville, Masonboro, and Ocracoke.

A day at the springs might be as full of gayety as a day in Washington with Congress in session, if one were disposed to be convivial. Breakfast over, one might sing or dance with a group in the "long room," or if he preferred, he might play a game of whist or go for

⁶⁵ *Fayetteville Observer*, June 24, 1830.

⁶⁶ *Standard*, Oct. 29, 1835; *ibid.*, June 28, 1837. An act was passed in 1856 making a person playing at a faro table or bank liable to a fine of \$25; and in 1858 another act was passed for procuring evidence against keepers, owners, and dealers of faro banks.

a ride. Several nights a week a ball was given with music furnished by a band which was under contract to play for the season. Shocco was thought in 1857 to be an ideal place for love making and engagements.⁶⁷ "We have seldom seen a more handsome or a more brilliant display of female beauty than we looked upon in the ball room at Shocco on Saturday and Monday evening," said a newspaper editor. "The young men were of course gallant and attentive to the fair, and some of them were positively handsome." The evolution which the Piedmont Springs in Stokes County experienced, as described by a writer in 1858, was similar to that of nearly every popular resort in the State:⁶⁸

It seems but yesterday, I used to come to these Springs when in their original native simplicity. The worst kind of "old corn Whisky" was retailed by "Flinchem" in a gourd, from a brown jug with a corn-cob stopper. Now champagne, &c., is the order of the day.—We then scrapped away the "trash," leveled the dirt, and sprinkling down the bran, had the real bran dances of primeval times to the music of the Banjo. Now, fair ladies trip the light fantastic in fine saloons, to the music of brass, catgut, or whatever you wish. Then, a tough sheep, stolen by "Dick Chamberlain," was a delicacy rare as tough. Now "anything you call for" is furnished by polite and trained servants. Then, log cabins, ox wagons, and tents sheltered our beavers from the mountain showers. Now, splendid, big buildings, all white and stately, cast their proud shadows across the way.

The summer months at a resort were indeed more lively than the winter months in town, and at the end of the season might leave one exhausted from the gayety. For this reason Mrs. Ebenezer Pettigrew wrote to her sister Mrs. John H. Bryan in 1823, "I think those people who are constantly gadding about from Shocco to Saratoga, from thence to the city &c.—are in a state of most perfect derangement."⁶⁹

Life in the ante-bellum town of North Carolina was monotonous, nevertheless. Despite visiting parties, teas, balls, public celebrations, literary societies, and theaters, time hung heavily on the hands of those who had much leisure. In 1826 the editor of the *Carolina Observer* declared that Fayetteville had been so long without any form of amusement he was happy to announce the coming of a circus. The editor of the *Register* in 1843 lamented the

⁶⁷ *Standard*, Sept. 2, 1857.

⁶⁸ *Raleigh Register*, Aug. 4, 1858.

⁶⁹ MS. in John H. Bryan Papers, Vol. I., Oct. 7, 1823.

want of any place of amusement or recreation in Raleigh and suggested the organization of "conversation societies by which the dull monotony that lingers around us might be broken."⁷⁰ The majority of the inhabitants, however, were so engaged in the task of making a living as to have but little time for social gatherings. They took their recreation in Saturday night frolics, in visits to the tipplings houses, in Sunday sports, and in the free whisky and barbecue of election day.

⁷⁰ *Raleigh Register*, Oct. 10, 1843.

SOME ASPECTS OF REPRESENTATION IN THE AMERICAN COLONIES

By W. NEIL FRANKLIN

This article will attempt to point out significant factors in the struggle for representation which occurred in the thirteen English-speaking colonies of North America. The subject will be approached by dealing with the various sections of the seaboard in their turn. The New England colonies will form one unit; Pennsylvania will represent the middle colonies; while Virginia, North Carolina, and South Carolina will be treated individually. Especial attention will be devoted to sectionalism, or the struggle between East and West within particular colonies. The conclusion will summarize or generalize the results of the investigation.

I.

THE NEW ENGLAND COLONIES

MASSACHUSETTS

The first charter of Massachusetts provided that the governor, magistrates, and freemen of the Company of Massachusetts Bay should hold a great and general court four times each year to manage the affairs of the corporation. At the Easter session the freemen were to elect the governor and magistrates for the ensuing year. Apparently the charter had created a pure democracy, for all freemen possessed the right to attend the general court, and all had a voice in making laws and electing rulers. But the magistrates and elders of the churches overawed the simple freemen, and carried measures in the quarterly court according to their own notions. John Winthrop started out to govern the colony without much reference to the opinions of the governed.¹ The first general court, held in October, 1630, was not representative. Only some twenty were qualified as members to sit in it, though one hundred and eighteen applied for admission to the list of freemen. The court decided that the freemen might elect the assistants, who were to choose the governor from among their own number, while the board of magistrates would do the governing. Actually, we see, power

¹ K. Colegrove, "New England Town Mandates," in the *Colonial Society of Massachusetts Publications*, Vol. XXI, pp. 411-412.

came into the hands of the magistrates, as the powers of electing the chief officers, of law-making and law-executing were transferred from the freemen to the assistants; and the number requisite for the exercise of these extensive powers was reduced from seven to five or even less.²

But this assumption of power upon the part of the magistrates was not to go unchallenged for long. The Puritan settlers were pushing out along the coast, and into the interior, hence it was becoming inconvenient for the freemen of the remote settlements to attend the general court in Boston, four times each year. And in 1632 Watertown protested against an £ 8 levy for fortifications on the ground that "this government was no other than as of a mayor and alderman, who have no power to make laws or raise taxations without the people."³ Though their protest was immediately ineffective, at the next court of election the freemen voted that every town should choose two men "to advise with the Governor and assistants about the raising of a public stock, so as what they should agree upon should bind all."⁴ "The people through their town representatives, would now tax themselves."⁵ And in 1634 this was carried to its logical culmination. Six weeks before the meeting of the general court in May of this year, notice having been sent out of the approaching Assembly, "the freemen deputed two of each town to meet and consider of such matters as they were to take in order at the same General Court."⁶ This action was entirely without precedent. "If, as some have supposed, these deputies were present by invitation of the Governor and assistants, it is very evident that Winthrop and his associates were prepared to make but slight concessions to them."⁷ "At the General Court which followed there appeared . . . without any previous summons, so far as the records show . . . three deputies for each of the eight towns."⁸ Winthrop was forced to show the royal patent to them, with its provisions for the freeman's control of the legislative and appointing powers. So the general court in effect ousted Governor Winthrop, elected a man of their own choice, and passed

² D. H. Haynes, "Representation and Suffrage in Massachusetts, 1620-1691," *Johns Hopkins University Studies*, Baltimore, 1894, Vol. XII, pp. 12-14.

³ John Winthrop, *Journal*, Hartford, 1790, Vol. I, p. 84.

⁴ *Ibid.*, Vol. I, p. 91.

⁵ Haynes, *op. cit.*, p. 18.

⁶ Winthrop, *op. cit.*, Vol. I, pp. 152-154.

⁷ Haynes, *op. cit.*, p. 19.

⁸ *Ibid.*, p. 20.

a law permitting towns to send two or three deputies to the general court with power to make laws and grant lands. It was also affirmed that none but the general court had power to admit freemen, and to elect, appoint, or remove colonial officers.⁹ Let us see what historians have to say of the Massachusetts freemen's assertion of their rights. Bancroft says, "The trading corporation had become a representative democracy."¹⁰ According to Colegrove, "It is not too much to say that the two and a half centuries which have since elapsed have not wrought such radical and beneficent changes in the government of Massachusetts as did that short session of the General Court in the year 1634."¹¹ In the opinion of Haynes, the "action of the freemen [of Massachusetts] in 1634, in providing for the election of deputies to represent them in the General Court, was really laying the foundation for a Lower House. By the new arrangement, freemen were in a sense given double representation, the assistants standing for the colony as a whole, while in the deputies, the special interests of the town constituencies found expression."¹²

At this point we may proceed to a description of the struggle concerning the negative voice, i.e., the veto power of the magistrates as against the deputies, or vice versa. The contention between magistrates and deputies crops out in connection with the desire of Thomas Hooker and his congregation to remove from Newtown,¹³ Massachusetts, to some place in Connecticut. They applied to the general court for such permission in 1634. In the debates on the subject a majority of the deputies were in favor of allowing Hooker and his party to leave Massachusetts if they so desired, while a majority of the magistrates opposed it. This raised the question whether the magistrates could veto a vote of the more numerous body of deputies, which was also the more democratic and popular of the two bodies. As the result of a sermon preached by Cotton the contest, which had promised to become bitter, was postponed, and the Newtown settlers were granted additional land in their present neighborhood. The incident is interesting in marking

⁹ Colegrove, *op. cit.*, p. 413; *Massachusetts Colonial Records*, Vol. I, pp. 118-120. Hereafter this work will be cited as *M. C. R.*

¹⁰ *History of the United States*, Vol. I, p. 246.

¹¹ *Op. cit.*, p. 22.

¹² *Op. cit.*, p. 24.

¹³ Now Cambridge.

the beginning of the political struggle between the two elements in the legislature.¹⁴

About the same time, and pointing in the same direction, was the so-called "sow-business." One day in the year 1631 a stray pig wandered into the yard of Captain Keayne, of Boston. He at once advertised the pig, but no claimant appeared. Perhaps a year later, one Mrs. Sherman, of very ordinary means, appeared, to look over Captain Keayne's property in pork. As she failed to identify her own lost pig among those of the Captain, Mrs. Sherman claimed that Keayne had butchered hers. She immediately instituted suit against Captain Keayne, but the latter won, and, in his turn, sued Mrs. Sherman, recovering £ 20 damages. She appealed to the general court; the magistrates reaffirmed the judgment, favoring Keayne, seven to two; while the deputies voted, fifteen to eight, to revoke the judgment. A joint ballot favored Mrs. Sherman, but precedent ruled that she had failed, as the magistrates had voted against her. In 1637 her cause became political; Keayne's wealth and hard reputation increased the cry for reform: "Down with the negative voice." Governor Winthrop wrote his approval of the course pursued by the magistrates. The court did not re-examine the case, as Keayne had, at the instance of friends, restored to Mrs. Sherman what damage money she had paid him. In 1634 Winthrop made a conciliatory speech, which mollified, to some extent at least, the opposition. But the freemen continued to hold the negative voice intolerable, while the magistrates stoutly resisted. Finally the popular clamor forced the magistrates to recede from their position. Previously the two orders composing the general court had voted separately, but met in one assembly. It was now, in 1643, divided into two chambers—of magistrates and deputies—each to meet and act by itself. Though the magistrates had formerly possessed the veto power, it now became mutual as concurrence of both chambers became necessary for legislation.¹⁵

Let us now see just what representation meant in Massachusetts during these eventful years. Though representation had been attained, as we have seen, in 1634, it was far from being popular and complete. Only eight out of sixteen plantations had sent deputies to the assembly of that year. Furthermore the religious oligarchy

¹⁴ J. T. Adams, *The Founding of New England*, Boston, 1921, p. 189.

¹⁵ J. H. Twitchell, *John Winthrop*, New York, 1891, pp. 197-200.

restricted the basis of the suffrage by placing in black and white what would bar one from church membership, and hence from the franchise. In 1631 it was enacted that "no man shall be admitted to the freedom of the body politic but such as are members of some of the churches within the limits of the same."¹⁶ By a law of March, 1636, companies of men who were planning "to join in any pretended way of church fellowship" were required first to secure for their proposed foundation approval of the magistrates and of the elders of a greater part of the churches. Doubts as to what should constitute a proper basis for church membership were presently removed by the enlightening labors of a synod of divines which met at Cambridge in August, 1637, of which Doyle writes¹⁷ that "orthodoxy in eighty nine different articles was to be the needful criterion of citizenship in Massachusetts." The freemen of Massachusetts stubbornly resisted taxation without representation as applied to themselves (as we have seen in the Watertown incident), but they then proceeded to impose taxes upon the unenfranchised while giving them neither part nor lot in the choice of their law-makers. And that the deputies must be freemen the voters of Newberry learned by being fined 6 d each for sending non-freemen to the general court as their deputy. Gradually New Hampshire and Maine were coming into possession of Massachusetts, a process completed by 1658. A point of special interest here is that in bestowing Massachusetts citizenship upon men who were "free" according to the customs of those settlements, Massachusetts virtually conceded that the religious test, still insisted on at home, was not an essential qualification for admission to the franchise.¹⁸ In 1639 over the opposition of the freemen a law was passed limiting to two the number of deputies that a single town might send.¹⁹

With the Restoration of Charles II an attempt was made by the imperial authorities to abolish the religious qualification for the franchise in Massachusetts. But the general court side-stepped the real points at issue and in effect the franchise remained restricted to churchmen.²⁰ This and other irritable conditions so provoked

¹⁶ *M. C. R.*, Vol. I, p. 87.

¹⁷ J. A. Doyle, *The English Colonies in America: The Puritan Colonies*, New York, 1886, Vol. I, p. 179.

¹⁸ Haynes, *op. cit.*, pp. 52-53.

¹⁹ *Ibid.*, pp. 36-37; Winthrop, *op. cit.*, Vol. I, p. 361.

²⁰ This was accomplished by the general court's declaring that only those might become freemen who were "orthodox in religious belief" or "in full communion with some orthodox church." The results of this exclusionist policy might have been predicted. "Down to 1674 only 2,527 were admitted as freemen, one-fifth of the total number of adult males." G. E. Ellis, *The Puritan Age*, p. 203, quoted in C. E. Merriam, *American Political Theories*, New York, 1903, p. 6.

the home government that in June, 1684, the Massachusetts charter was revoked, the colony becoming a royal possession. In December, 1686, came Governor-General Andros, and the general court having abdicated in May, 1686, no representative government of course existed. Immediately following the Revolution of 1688 in England the inhabitants of Massachusetts seized Dudley and Andros, the leaders summoning a convention for May 9, 1689, two delegates to be chosen from each town and four from Boston. At a second convention fifty four towns were represented, the delegates having received instructions from their constituents. Forty towns favored a charter government and this was in operation when news came of the coronation of William and Mary.²¹ Under the charter which Massachusetts received in 1691 the government was to consist of a governor, a council, and a house of representatives. Members of the council for the first year were nominated by the King, but thereafter they were annually elected by the general court, subject to the governor's negative. They were not necessarily freeholders. Something of district representation was secured by establishing the minimum number of members that should be chosen from each section of the province. The house of representatives was elected annually by the freemen of the towns; members were required to be freeholders. Each town sent two representatives to the general court, and there the apportionment for the future was determined. In place of an odious religious test for citizenship was substituted a simple and uniform property qualification.²²

PLYMOUTH

Let us turn now to the little settlement at Plymouth, and observe the growth of representation in that colony. "For nearly twenty years [after its establishment in 1620] the simple constitutional machinery of Plymouth underwent little change. The executive and ordinary judicial power were in the hands of the Court or Bench, consisting of the Governor and his seven assistants, elected annually by the whole body of freemen. The real lawmaking was done in the primary assembly, in which only freemen were allowed to vote."²³ The idea of representation in politics was made familiar to the settlers by the example of Massachusetts (which we have

²¹ Haynes, *op. cit.*, p. 64.

²² *Ibid.*, pp. 82-83.

²³ *Ibid.*, p. 68.

seen gained representation in 1634), and also by a favorable experience of its workings in another field. At the general court of October, 1636, it was ordered that four delegates for the town of Plymouth, and two each for Duxbury and Scituate, should be added to the governor and assistants, as "Committees for the whole body of this Commonweale," to revise and codify the colonial laws.²⁴ We see the complete working of this leaven in March, 1638, when Plymouth definitely and consciously took the last step toward a complete representative system. This act declared "That every town shall make choice of two of their freemen and the town of Plymouth of four to be Committees, or Deputies, to join with the Bench to enact and make all such ordinances as shall be judged to be good and wholesome for the whole."²⁵ Did this mean that little Plymouth had overnight become a representative democracy? Assuredly not, for a perusal of the laws shows us that none but freemen could vote in the choice of colonial officers, and only from the ranks of the freemen could the governor, assistants, and deputies be chosen; consequently freemen alone made and administered the laws.²⁶ And when one considers the fact that a candidate for "freeman" in Plymouth must be approved by a majority of his "free" neighbors who were sure to regard church-membership as a natural concomitant of such character as they deemed requisite in a citizen, it may well be doubted whether a man holding views of questionable orthodoxy would have secured citizenship.²⁷

"One striking difference in the organization of representative government as we see it in Massachusetts and in Plymouth was that the Plymouth legislature conducted all its business as a single body, never splitting into separate houses of assistants and deputies. The Governor presided, and decisions were by a majority vote of the whole body."²⁸

From 1686 to 1689 Plymouth was united with the other New England colonies under the bitter rule of Andros. The result of the English Revolution of 1688 was to unite Massachustees and New Plymouth under the charter of 1691. The number of deputies to be returned by towns having more than 120 freeholders was fixed at two by a statute passed in 1692. If a town had less than 120

²⁴ *Ibid.*, p. 69; *M. C. R.*, Vol. XI, p. 6.

²⁵ *M. C. R.*, Vol. XI, p. 31.

²⁶ Haynes, *op. cit.*, p. 76.

²⁷ *Ibid.*, p. 78.

²⁸ *Ibid.*, p. 80.

freeholders, it could elect but one deputy. Now representation was, of course, based upon property, and religion could not play an important part in deciding who should wield the franchise. The wrong impression must not be received from this last statement, however, for Plymouth never had made church-membership a test of citizenship, though as explained above, it undoubtedly, in effect, *caused orthodoxy of religious belief to be a prerequisite for the suffrage franchise.*²⁹

RHODE ISLAND

As the progress of representative government in colonial Rhode Island was comparatively smooth, its consideration need not long detain us. Provision was made under the patent or charter, granted in 1644 by a Parliamentary commission, for a representation from the towns, which discussed proposed laws before they were presented at a general assembly. The free inhabitants of the towns were to elect commissioners of six to represent them at the general court, but this custom seems to have fallen into disuse, for we find that the Earl of Bellemont complained that deputies were chosen by the town council rather than by the inhabitants.³⁰ In 1647 Providence sent a committee to Portsmouth to join with committees from the other towns in order to form a separate government. Here the seed of representative government burst into a growing plant. There was to be a president, and four assistants, one assistant from each of the four Rhode Island towns. The five acts and orders provided that each town should send a committee to the general court, and these could exercise the powers of the town's freemen in all matters excepting the election of officers. By the charter of 1663 a governor, deputy-governor, and assistants were to be chosen annually at Newport, and deputies were to be chosen by each town.³¹ At first all sat in one room. In 1666 there was an effort to have the deputies sit as a separate house; but the measure was not adopted until 1696.³² The governor and assistants formed the upper house; the deputies, the lower house.

The point of most significance for us in reference to Rhode Island is the fact of the representatives, at least in the beginning, en-

²⁹ *Ibid.*, pp. 82-84; C. F. Bishop, "History of Elections in the American Colonies," *Columbia University Studies*, No. 3, New York, 1893, p. 45.

³⁰ Bishop, *op. cit.*, pp. 154-155; *Rhode Island Colonial Records*, Vol. III, pp. 385 *et seq.*

³¹ R. Frothingham, *The Rise of the Republic*, Boston, 1873, p. 19n.

³² S. G. Arnold, *History of Rhode Island*, New York, 1859, Vol. I, pp. 327, 533.

acting only those laws which their constituent towns instructed them to enact. The general court simply promulgated the laws with which the towns had instructed them.³³

NEW HAVEN

A word will suffice to outline representation in New Haven. On June 4, 1639 the New Haven planters, i.e., the freemen, assembled and formed a constitution, the first article of which read "That the Scriptures hold forth a perfect rule for the direction and government of all men in all the duties which they are to perform to God and men." Article V began, "That church members only should be free burgesses; and that they only should choose the magistrates among themselves." It was ordained that in October a court of election should be held, and when convened, this court determined that the word of God should be the only rule for ordering the affairs of government in that commonwealth.³⁴ The magistrates, it seems, chose from among themselves seven deputies, hence in New Haven the *vox magistratum* rather than the *vox populi* was the *lex suprema*. Yet the reactionary thought of the framers of these fundamental orders was to be without appreciable influence upon the growth of colonial political theory as then developing; for New Haven was to have only a quarter of a century of independent but unimportant life before being absorbed by Connecticut, to which colony we shall now direct our attention.

CONNECTICUT

We mentioned above the desire of Thomas Hooker and his congregation in the year 1634 to remove from Newtown, Massachusetts, to some place outside that colony, and that their petition was rejected, causing a division within the general court of Massachusetts. But in May of 1635 Hooker secured the desired permission for removal, and the establishment of Connecticut resulted. The Connecticut planters at first settled under the general government of Massachusetts, as required by the general court, but they held courts of their own, which consisted of two principal men from each town, these courts having power to transact all the common affairs of the colony. The first court in Connecticut was held at Newtown,

³³ *Ibid.*, Vol. I, p. 203.

³⁴ *New Haven Records*, Vol. I, pp. 12-17.

April 26, 1636. All the powers of government for three years seem to have been in the magistrates, the freemen apparently having no voice in making the laws, or in any part of the government, except in some instances of general and uncommon concern, in these instances, committees being sent from the several towns.³⁵

Before we take up the drafting of the "Fundamental Orders" themselves, let us pause and consider the political ideas of the influential Thomas Hooker, especially in regard to representation. Quite illuminating is the letter of Hooker written in the autumn of 1638 to Governor Winthrop, quoted in part, "It is also a truth that counsel should be sought from counsellors; but the question yet is, who those should be. Reserving smaller matters which fall in occasionally in common course, to a lower counsel, in matters of greater consequence, which concern the common good, a general council chosen by all, I conceive, under favor, most suitable to rule and most safe for the relief of the whole."³⁶ May 31, 1638 Hooker delivered a sermon or lecture to an adjourned session of the general court on the text Deuteronomy 1:13, 'Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you.' From this text Hooker derived the doctrine, (I) That the choice of public magistrates belong unto the people by God's own allowance; (II) The privilege of election must not be exercised but according to the blessed will and law of God; (III) They who have power to appoint officers and magistrates, it is in their power also to set bounds and limitations of power and place unto which they call them. Reasons [of which the first only is of great interest to us in this paper] 1. Because the foundation of authority is laid, firstly, in the free consent of the people."³⁷ In regard to this Dr. Leonard Baker says, "That sermon by Thomas Hooker from the pulpit of the first church in Hartford, is the earliest known suggestion of a fundamental law, enacted not by royal charter, but by the people themselves."³⁸ To the same effect is the utterance of Professor Alexander Johnston, "Here is the first practical assertion of the right of the people not only to choose but to limit the powers of their rulers."³⁹ But in listening to these eulogistic phrases let us remember the second doctrine derived from

³⁵ B. Trumbull, *History of Connecticut*, New Haven, 1818, Vol. I, pp. 64-66.

³⁶ *Connecticut Historical Society Collections*, Vol. I, pp. 11-12.

³⁷ *Ibid.*, Vol. I, pp. 20-21.

³⁸ Quoted by G. L. Walker in his *Thomas Hooker*, New York, 1891, p. 127.

³⁹ "Connecticut" *American Commonwealth Series*, Boston and New York, 1887, p. 73.

Hooker's text: "The privilege of election must not be exercised but according to the blessed will and laws of God." And who better than the ministers and elders could interpret that "will and law of God"?

The effect of Hooker's teachings may be seen in the convention of free planters which met at Hartford, January 14, 1639, and on mature deliberation, adopted a constitution of government, the well known Fundamental Orders of Connecticut.⁴⁰ From these Fundamental Orders we shall cite pertinent illustrations. "We, the Inhabitants and Residents of Windsor, Hartford, and Wethersfield . . . do therefore associate and conjoin ourselves to be as one Public State or Commonwealth. . . .

"1. It is ordered, sentenced, and decreed, that there shall be yearly chosen two General Assemblies or Courts. . . . The first shall be called the Court of Election, wherein shall be yearly chosen . . . so many magistrates and other public Officers as shall be found requisite . . . which choice shall be made by all that are admitted freemen and have taken the Oath of Fidelity, and do cohabit within this Jurisdiction. . . .

"8. It is Ordered, sentenced, and decreed, that Windsor, Hartford, and Wethersfield shall have power, each Town, to send four of their Freemen as their deputies to every General Court; and whatsoever other Towns shall be hereafter added to this jurisdiction, they shall send so many deputies as the Court shall judge meet, a reasonable proportion to the number of Freemen that are in the said Towns . . . which deputies shall have the power of the whole Town to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said towns are to be bound."⁴¹ G. L. Walker says, "Whose hand soever may in detail have phrased and formulated the Fundamental Laws . . . the outline of principle and idea, the inspiration and spirit of them, were Thomas Hooker's."⁴² The Fundamental Orders were undoubtedly democratic in trend, forming a really representative democracy, because the deputies were elected by the freemen, and freemen were those admitted by a majority of a town's inhabitants, after having taken the oath of fidelity.

⁴⁰ The text of these Orders may be found in the *Old South Leaflets*, Vol. I, No. 8.

⁴¹ F. Morgan, (Editor-in-chief), *Connecticut as a Colony and as a State*, Hartford, 1904, Vol. I, pp. 149-153.

⁴² *Op. cit.*, p. 122.

The Connecticut charter of 1662 provided that the governor, deputy-governor, and twelve magistrates should be chosen at a general election, and the deputies should be chosen by the towns. All these officers sat together. In 1698 it was ordered that the governor, deputy-governor, and magistrates should be called the upper house, and the deputies the lower house, that they should sit apart, and that no bill could become a law without the consent of both houses.⁴³ Thus did Connecticut's charter dispose of any doubtful interpretation of the negative voice.

In concluding our brief view of representation in New England, we may state specifically what may not have been so apparent in the preceding discussion, namely, that the town was the basis of representation. In Massachusetts, which we may assume to have been typical of New England in this respect, by the law of 1634 the towns were to send two or three deputies to the general court. Ten years later the courts referred to a proposal of the towns to abolish representation by towns and substitute representation by shires or counties.⁴⁴ The proposal failed to pass, and under the state constitution of 1780 townships were retained as election districts for the lower house of the legislature.

II.

THE MIDDLE COLONIES

PENNSYLVANIA

When we turn to the colony founded by William Penn, we find that the original Frame of Government provided for a representative body. The proprietor convoked at Chester, December 4, 1682, the first assembly, to be attended by as many freemen as saw fit to appear. A new charter was agreed upon in 1683, providing that the council should consist of three, and the assembly of six members, to be elected by the freemen of each of the several counties. Thus there was substituted for the unlimited democracy of 1682 a representative government under which each of the six counties was given equal powers of election and rights of representation. In 1701, the charter agreed upon provided for an annual assembly to consist of four delegates from each county, or a greater number, if

⁴³ Frothingham, *op. cit.*, p. 19n.; Trumbull, *op. cit.*, Vol. I, pp. 102, 399.

⁴⁴ Winthrop, *op. cit.*, Vol. I, p. 125, Vol. II, p. 170.

the governor and assembly should agree to it. It may be noted that in Pennsylvania the council had no concern in legislation other than in advising the governor. The legislature was unicameral.⁴⁵

In 1705 the three counties along the Delaware—Newcastle, Kent, and Sussex—formed their own legislature, and the representation of the three northern counties—Philadelphia, Bucks, and Chester—was increased. So long as there were but three counties in the province and the population of Philadelphia remained small, there was little, if any, injustice, nor, until the interests of the city became distinct from those of the counties, would its provisions excite opposition. But with the growth of the western settlements and the increase of population within the city, the inequalities of representation became noticeable, and the accompanying neglect of western interests by the assembly aroused antagonism which never quieted until the inequalities were removed. The ruling classes in the three old counties felt that they best knew what the interests of the colony demanded and they determined that no other faction should endanger their control.⁴⁶ In the East the danger was from the number of people, in the West it was considered as due to the number of counties; so that means were taken to keep the number of voters in Philadelphia at a low figure, and in the West to erect new counties slowly, if at all, and to restrict their representation in the assembly. This policy of the eastern oligarchy was carried out. In Philadelphia the suffrage qualification was the possession of £50 in personal property, or a free holding, neither of which was easily secured, evidenced by the fact that in Philadelphia only one man in fifty cast a ballot. In the counties, possession of fifty acres of real estate was the suffrage requirement. The first new county to be admitted was Lancaster, 1729, which secured only four votes in the assembly. For twenty years no new counties secured recognition, and finally in 1749-50 when York and Cumberland counties came in, they had to do so with a representation of only two members each, and when Berks and Northampton were admitted only one assemblyman was given each of them. In 1760, if Philadelphia County with her eight members was taken as the standard, the western counties, judged by the number of taxables throughout the colony, had twelve, and the

⁴⁵ Frothingham, *op. cit.*, pp. 20-21n.; C. H. Lincoln, *The Revolutionary Movement in Pennsylvania*, Philadelphia, 1901, p. 42.

⁴⁶ Lincoln, *op. cit.*, pp. 43-44.

city of Philadelphia two votes less than their true quota.⁴⁷ The three eastern counties returned twenty-six representatives to the legislature, while the five western counties, equal in population, sent only ten.⁴⁸ Hence the large body of Scotch-Irish and Germans on the frontier and the large unenfranchised class in the East were denied means to make their sentiments felt. Under these conditions it is very near the truth to say that the assembly represented the Quaker and conservative interests of the East, who feared the growing democracy of the West. But the unenfranchised were using what influence they possessed to better their political condition, and in answer to petitions, the report of the Board of Trade of March 3, 1756 recommended that the Quakers should be excluded from the assembly by the imposition of an oath upon all representatives by act of Parliament. A bill to this end was introduced into Parliament, but action upon it was forestalled by the London Quakers who promised to persuade their colonial co-religionists not to stand at the next election in the province. And the assembly which convened in the fall of 1756 contained few Quakers; some had declined a re-election, others had resigned. An act of Parliament to exclude them was not needed.⁴⁹

But before it was purged of the Quakers, the assembly had instituted a policy that brought it into conflict with the western settlers. This illustration is a splendid example of the influence of the frontier upon politics. In May, 1756, Great Britain officially declared war upon France, beginning what is known in American history as the French and Indian War. As for Pennsylvania, the frontiersmen had intense dread and hatred of the Indians, while the Quakers having comparatively little contact with the redskins, were kindly disposed toward them. With the outbreak of war predatory Indians inflicted damage upon Pennsylvania's frontier, but the Quaker assembly did very little, voting a small sum for indirect military expenses, and authorizing only voluntary enlistment. Though we have just observed the overthrow of the Quaker oligarchy, the new assembly did nothing toward a more equitable representation of the western counties. The friction between the frontier and the conservative East culminated in the incident of the "Paxton Boys." In December, 1763, a party of white ruffians hailing from Paxton

⁴⁷ *Ibid.*, p. 46.

⁴⁸ W. T. Root, *The Relations of Pennsylvania with Great Britain, 1696-1765*, New York, 1912, p. 310.

⁴⁹ *Ibid.*, pp. 310-311.

and Donegal townships slaughtered a small number of Indians residing at Conestogoe manor, who believed themselves to be under the protection of the Pennsylvania government. But the majority of the Indians had fortunately (for themselves, at least) been away from home at the time of the massacre. These Indians were now taken to Philadelphia for safe-keeping, but the "Paxton Boys" even marched upon the capital city itself. Open conflict was only averted by a conference between the leaders of the opposing factions, Benjamin Franklin playing a prominent part in the "peace negotiations." The "Paxton Boys" were persuaded to be satisfied with drawing up a petition for a redress of grievances, and especially for a more equitable representation. Soon after this Cumberland County sent to the assembly a petition declaring that "the design and letter of the [Pennsylvania] charter, the right of British subjects, reason and common sense" all demanded a more equitable representation for the frontier counties. This petition was promptly tabled, but in 1770 Berks and Northampton counties were each allowed an additional member in the legislature.⁵⁰ Finally with the increase of agitation in 1776, on March 15th the assembly provided for the election of seventeen additional representatives from Philadelphia city and the western counties.⁵¹

III.

THE SOUTHERN COLONIES

VIRGINIA

We come now to take up the question of representation in the first southern colony which we shall consider, namely, Virginia. This colony was the first of the thirteen to be planted, and also the first to develop representative government. In the first charter issued to the Virginia colonists there is to be found no germ of representative government.⁵² We may pass over the events occurring in Virginia between 1607 and 1619, but in the latter year, in late July, convened the first representative assembly in the American colonies. It was representative in that two burgesses from each represented the inhabitants of eleven different

⁵⁰ W. R. Shepherd, "Proprietary Government in Pennsylvania," *Columbia University Studies*, No. 6, New York, pp. 546-548n.

⁵¹ Lincoln, *op. cit.*, p. 52.

⁵² J. A. C. Chandler, "Representation in Virginia," *John Hopkins University Studies*, Vol. 14, Baltimore, 1896, p. 10.

boroughs, plantations, or settlements. In this assembly the burgesses sat with the governor and the members of his council. The representatives in the assembly were called "burgesses" at the start, not because they were representatives, but because they were citizens and voters in the "boroughs," but very soon the idea of representation became attached to the word "burgess," and then, the "boroughs" of the company having gone out of existence, the word came to mean, so far as Virginia was concerned, a representative in the elective branch of the general assembly and nothing else.⁵³ This first effort of 1619 to establish a government in which the will of the people might be expressed through their representatives was at that early period but a beginning.⁵⁴

The plan of 1620 for the government of Virginia submitted to the Virginia Company by Sir Edwin Sandys⁵⁵ bore fruit in the following year when the Company in England issued in July an Ordinance and Constitution. This charter may with propriety be called the first American constitution. It permanently established representative government in Virginia. The government would now consist of (1) a governor appointed by the Virginia Company, (2) a council of state, also appointed by the Company, and (3) a general assembly in which sat the governor, council, and burgesses elected by the people.⁵⁶ Two burgesses were to be elected by the inhabitants of each hundred, town, or other particular plantation.⁵⁷ When the government of the colony became royal, in 1624, the power of the assembly was temporarily checked, but by 1628 the assembly had secured legal recognition by the king. The house was expected to represent the interests of the colonists; the governor and council, the interest of the crown.⁵⁸ The council sat with the burgesses as one legislative body until 1680, after which time it sat apart as an upper house, having only power to approve or reject proposals of the burgesses, and no power to initiate legislation. The assembly met quite regularly and frequently, there being from 1619 to 1776, about 121 sessions. This is indicative of popular interest in the government of Virginia, as is also the usually regular attendance of individual burgesses.⁵⁹ The election of two burgesses only from

⁵³ *Journals of the Virginia House of Burgesses*, 1619-58, p. xxvii.

⁵⁴ P. S. Flippin, "The Royal Government in Virginia, 1624-1775," *Columbia University Studies*, No. 84, New York, 1918, p. 189.

⁵⁵ This may be found in volume one of the *Records of the Virginia Company*, p. 387.

⁵⁶ Chandler, *op. cit.*, p. 12.

⁵⁷ Bishop, *op. cit.*, p. 35.

⁵⁸ Flippin, *op. cit.*, p. 189.

⁵⁹ *Ibid.*, p. 190.

each borough was not strictly observed. From 1629 to 1645 some plantations had as many as six representatives; but, on the other hand, many districts combined would return only one burgess.⁶⁰ Plantations and boroughs continued to be the basis of representation till 1634, when eight counties were established; but even after this, at times, plantations were represented. To break up this irregular system of representation, and to prevent the counties from sending so many burgesses, an act was passed in 1645, providing that no county, other than that of James City, should have more than four burgesses.⁶¹ Chronologically, at this point we come to the idea of parish representation, though dates in regard to this are hardly as definite as we should wish. At any rate, the assembly of 1643 fixed the boundaries of Lynhaven parish (an ecclesiastical unit, of course), and further provided that the people thereof should have free liberty to choose burgesses for that parish.⁶² This is the first case of parish representation provided for in the statutes, and in 1656 was passed an act recognizing parish representation. But parish representation gave some trouble, as disputes arose whether the county or parish should pay the parochial burgesses, although this particular point was settled in 1656 by an act requiring each to pay those burgesses representing it.⁶³ A proposition to reduce the number of burgesses to two for each county failed of passage in 1658, but it was carried in 1661. This reduction was due to the expense of so many burgesses, for that same year, an act had been passed, setting forth that the pay of each burgess should be "one hundred and fifty pounds of tobacco per day, and charge of coming and going." Nothing was said of parish representation in the act of 1661.⁶⁴ In October, 1669 the counties were deprived of the right to choose one or two burgesses at discretion, and each county was compelled to send two burgesses, neither more nor less. This established the county system of representation, which lasted until 1830. There was no attempt to represent population, but simply districts, all having equal representation without regard to the number of inhabitants. From time to time, however, the assembly created new counties, and each was given two representatives. The college of

⁶⁰ Chandler, *op. cit.*, p. 15.

⁶¹ *Ibid.*, p. 15.

⁶² It is possible that even here the parish and county might have been co-extensive.

⁶³ Chandler, *op. cit.*, pp. 15-16; E. I. Miller, "The Legislature of the Province of Virginia," *Columbia University Studies*, No. 28, New York, 1907, p. 45.

⁶⁴ Chandler, *op. cit.*, p. 16; Miller, *op. cit.*, p. 41.

William and Mary, by its charter in 1693, was given one burgess. Town representation necessarily looked somewhat to population, but no definite population was required. Jamestown was first allowed a burgess in 1645, and was the only town represented till 1722, when Williamsburg, by its charter, was granted representation.⁶⁵ It is interesting to note that after the removal of the capitol to Williamsburg, Jamestown became a "rotten borough" in that it came entirely into the control of two families who owned most of the island.⁶⁶ Thus representation stood in 1776 when a constitution was adopted.

"The length of term for which members of the Assembly were elected was irregular and uncertain. At first it is probable that they were elected to serve during the session only. But at times, the assemblies, for various reasons, and usually in violation of the law, held over from session to session, because the proper officials did not care to order another election. This is notably the case from the Restoration [1660] to Bacon's Rebellion [1676]."⁶⁷ Heading the list of grievances of Surry County, Virginia, leading up to and responsible for Bacon's Rebellion of 1767 was: "1. That ye last assembly continued many yeares and by their ffrequent meeting being once every yeare hath been a continuall charge and burthen to the poor Inhabitants of this Collony; and that burgesses of the s^d assembly had 150^{lb} tobacco p day for each member they usually continuing three or 4 weeks together did arise to a great some."⁶⁸

The qualifications required for membership in the Virginia assembly are not usually stated in direct terms. Foote says that the qualifications for office were not established until necessity compelled it to be done.⁶⁹ The laws of the seventeenth century show few requirements in regard to the residence of members, and it is to be inferred that generally residence in the county from which one was chosen was not compulsory. The references in the requirements are not to place, but to time of residence, in reality constituting denizenation or naturalization acts. In 1705 when the fifth general revision of the colonial laws was made, we find that all officeholders must be natives of the colony, have been commissioned by the Crown, or have resided in Virginia for three years.

⁶⁵ Chandler, *op. cit.*, p. 17.

⁶⁶ Miller, *op. cit.*, p. 44.

⁶⁷ *Ibid.*, p. 46.

⁶⁸ *Virginia Magazine of History and Biography*, Vol. II, p. 170.

⁶⁹ W. H. Foote, *Sketches of Virginia*, Philadelphia, 1850, p. 13.

The qualifications required of voters is important as showing how far the mass of people had a part in the choice of their representatives. Among the express qualifications for voting, residence did not occupy an important place. From 1619 to 1654 all freemen were granted the franchise, but then for one year it was somewhat restricted.⁷⁰ At the restoration assembly of 1670 it was declared that when all freemen could vote, many who had little interest participated, and often caused tumults and disturbances. The assembly declared that since the laws of England restricted the suffrage, Virginia would follow her example, and thereafter only "such as by their estates, real or personal, have interest enough to tie them to the endeavor of the public good" should vote in Virginia. This interest was said to belong only to freeholders and housekeepers answerable to public levies. This was part of the general scheme of the wealthy class to control the government, and in Bacon's assembly of 1676 was referred to as one of the causes of the rebellion. Bacon's assembly restored the suffrage to all freemen.⁷¹ But as time went on, the instructions that had been given to Berkeley long before, that freeholders only should vote, became the fixed policy of the colony. The amount of land required to be held varied from no fixed amount at first to at least one hundred acres, although in 1762 it was reduced to fifty acres.⁷² According to this, if a holding of from fifty to one hundred acres was requisite for voting, then political power resided in the hands of the small planters, who, at least during the seventeenth century, formed the backbone of the colony.⁷³

In regard to compulsory voting, Professor Hart says that "the earliest and latest laws on the subject were passed in Virginia."⁷⁴ The earliest act of the Virginia assembly, imposing a fine upon those entitled to the suffrage and neglecting to exercise it, was passed in 1646. Plymouth was the only other colony which had compulsory voting through its history.⁷⁵ On the other hand, in 1699 a penalty of 500 pounds of tobacco was imposed upon any one not a freeholder who voted.⁷⁶

Miller holds that free negroes possessing the regular qualifica-

⁷⁰ W. W. Hening, *Statutes of Virginia*, Vol. I, pp. 333, 403, 412.

⁷¹ Miller, *op. cit.*, pp. 59-61; Flippin, *op. cit.*, p. 190.

⁷² Miller, *op. cit.*, p. 62.

⁷³ Cf. T. J. Wertenbaker, *The Planters of Colonial Virginia*, Princeton, 1922, *passim*.

⁷⁴ A. B. Hart, *Essays on American Government*, p. 43.

⁷⁵ Bishop, *op. cit.*, p. 190; Flippin, *op. cit.*, p. 190; Miller, *op. cit.*, p. 65.

⁷⁶ Flippin, *op. cit.*, p. 191.

tions of voters were granted the franchise until 1723, while Flippin avers that the free negroes were always disfranchised.⁷⁷ However that may be, in 1723 they were specifically disfranchised, and before that date there could not have been enough free negroes in Virginia to have influenced an election one way or the other. Mulattoes and Indians were always disfranchised. Quakers were not, until about the middle of the eighteenth century, permitted to vote; and it was not until near the close of the colonial period that Catholics were granted the franchise, even if they did own property.⁷⁸

In concluding our discussion of representation in colonial Virginia, the influence of the frontier may be mentioned, yet we shall reserve this theme for fuller treatment when we come to consider representation in the colonies of North Carolina and South Carolina. The creation of a frontier society in Virginia produced an antagonism between the interior and the coast, which worked itself out in interesting fashion. But the reform movement in Virginia which arose with the Revolution of 1776 was unable to redress the grievance of unequal apportionment. "In 1780 Jefferson pointed out that the practice of allowing each county an equal representation gave control of the legislature to the numerous small counties of the tidewater, while the large populous counties of the up-country suffered. 'Thus', he wrote, 'the 19,000 men below the falls [where Richmond now stands] give law to more than 30,000 living in other parts of the state.' This led to a long struggle in Virginia between coast and interior, terminated only when the slave population passed across the fall line, and more nearly assimilated coast and up-country."⁷⁹

NORTH CAROLINA

In the colony of North Carolina let us trace out, step by step, the progress or growth of representation and see how it came about that the older settled lowland counties ruled the assembly even after the newer settled upland counties preponderated in population. Before 1715 the records of colonial North Carolina are meager indeed, but sufficient evidence is available for the purpose expressed above. In 1663 the Carolina proprietors issued to Sir William Berkeley, governor of Virginia, a commission which empowered him to form

⁷⁷ Miller, *op. cit.*, p. 65; Flippin, *op. cit.*, p. 190.

⁷⁸ Flippin, *op. cit.*, p. 191.

⁷⁹ F. J. Turner, *The Frontier in American History*, New York, 1920, p. 114.

a government in Albemarle: his council was to act with the advice and consent of the freeholders, or of the majority of their deputies.⁸⁰ The Concessions of 1665 provided that the assembly should be unicameral, composed of the governor, the council, and twelve deputies who were to be chosen by the freeholders.⁸¹ Two years later, in the instructions issued to the governor of Albemarle, it was declared that in due time districts were to be erected, sending two representatives each to the assembly.⁸² Thus at the very outset of the founding of North Carolina we see in the intentions of the proprietors, selfish or unselfish, ulterior or otherwise, a desire to accord the ruled a voice in the ruling. The legislature of 1670 is the first whose records have come down to us.⁸³ The assembly was composed of twenty representatives, (five from each of the four precincts into which Albemarle County was divided),⁸⁴ and five deputies, who now appear for the first time.⁸⁵ In the beginning the assembly was but little more than a proprietary tool, but when it secured the right to initiate legislation it was not long in developing power and dignity, until at length it gained the ascendancy and became the chief factor in government.⁸⁶ Hence the question of representation in the eyes of the Carolina colonists was not so much one of abstract, academic interest as it was of pressing, prime importance. Although the Fundamental Constitutions of 1669, drawn up by the English philosopher, John Locke, were of comparatively little influence their provisions concerning representation are interesting and deserve to be noted. The parliament contemplated by Locke was to be composed of the proprietors or their deputies, the successive ranks of the new Carolina nobility, and one representative from each precinct, to be elected by the freeholders thereof.⁸⁷ That the freeholders would likely have had the deciding voice in this parliament is evident from the facts that the body was to be unicameral and that one element which went a long way in rendering the constitutions unworkable was the lack of a sufficient number of persons to form the nobility.⁸⁸ Four additional attempts were made by the proprietors to enforce these con-

⁸⁰ *The Colonial Records of North Carolina*, Vol. I, p. 50. Hereafter this will be cited as *C. R.*

⁸¹ *Ibid.*, Vol. I, p. 81.

⁸² *Ibid.*, Vol. I, p. 167.

⁸³ Bishop, *op. cit.*, p. 39.

⁸⁴ *C. R.*, Vol. I, p. 235.

⁸⁵ J. S. Bassett, "Constitutional Beginnings of North Carolina," *Johns Hopkins University Studies*, Baltimore, 1894, Vol. XII, p. 56.

⁸⁶ *Ibid.*, pp. 56, 58.

⁸⁷ *C. R.*, Vol. I, p. 187 *et seq.*

⁸⁸ Bishop, *op. cit.*, pp. 39-40.

stitutions but the colonists would have nothing to do with them,⁸⁹ so that the constitutions were formally and finally laid aside by the proprietors themselves in 1693.⁹⁰

In 1696 certain territory to the south of Albemarle was erected into the county of Bath, which was permitted two representatives in the assembly. In time the territory comprising Bath County was organized into the four precincts of Beaufort, Hyde, Craven, and Carteret, each of these sending two delegates to the legislature. In 1715 Bath Town and Edenton were created by the legislature, and sent one member each to the assembly. The act of 1715, so-called, which provoked so much irritation, provided that each of the four precincts of Albemarle County should send five representatives to the assembly, and that the precincts of other present or future counties should be allowed but two representatives each.⁹¹ This act was disallowed by the English government in July, 1737. In 1722 Bertie precinct was carved out of Albemarle County and given five assemblymen. This process was repeated in the case of Tyrrell precinct in 1729. North Carolina reverted to the Crown in 1728-29, and the first assembly under the royal regime consisted of forty one members, representation being distributed as follows: five members each from Chowan, Perquimans, Pasquotank, Currituck, Bertie, and Tyrrell precincts, two members each from Beaufort, Hyde, Craven, and Carteret counties, and one member each from the towns of Edenton, Bath, and Newbern. Now quickly followed the creation in Bath County of the precincts of New Hanover, Edgecombe, Bladen, and Onslow, each sending two members and so increasing the assembly's size to forty nine. Governor Johnston was appointed in 1733 and his administration witnessed the creation of Northampton County out of a part of Bertie County, the new county securing two representatives, while the mother county's representation was cut from five to three. The town of Wilmington was given a representative in 1739. In the southern district in 1746 Granville and Johnston counties were erected and allowed two representatives each.⁹² The creation of new counties

⁸⁹ It is only fair to state that the objections of the Carolinians to the Fundamental Constitutions were not on the ground of representation.

⁹⁰ *C. R.*, Vol. V, p. 85. "In 1691 Governor Ludwell of Carolina was empowered to order the election of five delegates from Albemarle county who should join with fifteen from the counties in the more southern settlements, to form one assembly for all Carolina. However, this order was almost immediately rescinded, on account of the impracticability of having North Carolina send delegates to Charleston. Until 1712 there was but one governor for the entire province, though each part elected its assembly." Bishop, *op. cit.*, p. 40.

⁹¹ The text of the act of 1715 may be found in the *State Records of North Carolina*, Vol. XXIII, pp. 12-14. Hereafter this will be cited as *S. R.*

⁹² *C. R.*, Vol. V, pp. 86-88.

need be carried no further to show how close a grip was maintained on the reins of authority by the eastern counties even when the more westerly counties became the more populous.⁹³

When Governor Johnston came to North Carolina he was impressed by the lack of an equitable representation and determined to rectify conditions. To circumvent the opposition of the northern counties he convened the assembly of 1746 in Wilmington, the deputies from the northern counties were absent, and a bill was passed which prohibited the representation of any county by more than two members.⁹⁴ The English government was shortly petitioned by agents of the northern counties to disallow the act. Following a complete investigation, this was done, on the ground that the act had been improperly obtained, the order of repeal being brought over by Governor Dobbs.⁹⁵ The former inequitable and unjust system of representation was restored, and continued until the provincial assemblies of the Revolution came into existence.⁹⁶ In these assemblies each county had five deputies, equal representation probably being regarded as a prerequisite to concerted action, especially when we remember that the inhabitants of the eastern counties now made up less than half the population of the entire colony.⁹⁷ The Constitution of 1776 brings to an end our narrative of the struggle for equitable representation in the colony of North Carolina. By this document each county was allowed one deputy in the senate and two deputies in the house of commons.⁹⁸ No longer did the Albemarle counties send five deputies while other counties sent but two, all now sent an equal number, yet a really just system

⁹³ "Whereas in 1746 scarce a hundred fighting men were found in Orange and the western counties of North Carolina, there were in 1753 fully three thousand, in addition to over a thousand Scotch in the Cumberland; and they covered the province more or less thickly, from Hillsboro and Fayetteville to the mountains." "The interior felt that it was being exploited, and it had no redress, for the legislature was so apportioned that all power rested in the old lowland region." Turner, *op. cit.*, pp. 106, 118.

⁹⁴ The text of this act of 1746 may be found in *S. R.*, Vol. XXIII, pp. 251-252. For his part in the affair Governor Johnston deserves censure only to the extent that he employed questionable means in obtaining an end that was eminently just.

⁹⁵ J. W. Moore, *History of North Carolina*, Raleigh, 1880, Vol. I, pp. 61-62; F. X. Martin, *History of North Carolina*, New Orleans, 1829, Vol. II, p. 43; *C. R.*, Vol. IV, pp. xviii-xix, Vol. VIII, p. viii.

⁹⁶ Most interesting is the representation made to the Lords of Trade on the very eve of the Revolution (Sept. 1, 1774) by Governor Martin of North Carolina concerning representative inequality within that province: "It is become very apparent to the Inhabitants of the Western County who must be ever governed by the conjunction of the Northern and Southern interests although that district is often times their extent four times more populous . . . I . . . recommend to your Lordship's consideration the expediency of reducing the representation of the Northern Counties to the level of the other Counties of this Province which send but two members each to the General Assembly except where are Towns." *C. R.*, Vol. IX, p. 1054. One might suspect that inequality of representation would have been one of the grievances of the Carolina Regulators, yet the evidence in the case does not bear this out. See the splendid article by Prof. J. S. Bassett, "The Regulators of North Carolina (1765-1771)", in the *Annual Report of the American Historical Association*, 1894, pp. 141 *et seq.*

⁹⁷ *C. R.*, Vol. IV, p. xix.

⁹⁸ *Ibid.*, Vol. X, p. 1007: The Constitution of 1776, articles II and III.

of representation had not been achieved. Some of the counties possessed a population of only 4,000, others of 15,000, yet the representation accorded the smallest county was equal to that accorded the largest.⁹⁹

Although primarily a feature of the general struggle for power that was going on between the colonial governor and his assembly, the dispute over the authority to confer representation is pertinent enough to our theme to merit brief mention. The assembly of North Carolina claimed the right; the royal governor avowed that it lay wholly within the province of the Crown. Carrying the matter back to the beginning of royal rule in North Carolina (1729), the commission of George Burrington, first royal governor, bestowed upon him the authority to call assemblies, according to the laws and usages of North Carolina.¹⁰⁰ During the following two decades the legislature at its pleasure created counties and bestowed upon them the right of representation in the assembly. The supporters of regal authority claimed this to be an encroachment upon the royal prerogative, and when Governor Dobbs arrived in the colony in October, 1754 he brought with him orders to the effect that twelve acts creating new counties and towns should be disallowed, and that by charter he might re-establish them when desirable to do so, giving them that representation which he deemed expedient. But this was quite impracticable, because, among other reasons, if a new county were carved out of part of an older chartered county all the inhabitants of the latter must give their consent to the surrender of the charter. Governor Dobbs took the side of the people and sent to the Board of Trade a memorial pleading for delay in the execution of his disallowance order and for an equitable adjustment to be made.¹⁰¹ "The result of it all was a compromise by which the Legislature was permitted to re-establish or revive the counties and towns already incorporated, and from time to time in future to erect new ones and alter their boundaries, as might become necessary, reserving to the Governor, as the representative of the Crown, the right to confer by charter authority to elect members of the Assembly."¹⁰²

There was nothing unusual about the suffrage franchise of the colony of North Carolina. Fifty acres was the amount of land re-

⁹⁹ *Ibid.*, Vol. X, pp. xxiv-xxv.

¹⁰⁰ Bishop, *op. cit.*, p. 40; *C. R.*, Vol. III, p. 68.

¹⁰¹ *C. R.*, Vol. V, pp. 326-328.

¹⁰² *Ibid.*, Vol. V, pp. vi-vii.

quired. A town of sixty families was given one representative in the assembly.¹⁰³ According to the act of 1715,¹⁰⁴ one year's residence in the colony, preceding the election, and payment of one year's levy were requisite for the franchise; and no slave, mulatto, or Indian was permitted to vote. Thus there was no necessity for having a distinct qualification for town residents. Yet the act of 1715 was supplemented in 1723 when the assembly defined specifically the qualifications of the town voter, who must now own a "saved lot" in the town, and must keep in repair a house on this lot. Along with this were provisions distinctly giving the preference to the tenant as against the owner.¹⁰⁵

SOUTH CAROLINA

In order to secure the settlement of Carolina, the settlers were promised a share in making the laws.¹⁰⁶ In a declaration issued by the proprietors in 1663, the freeholders, in person or represented by two deputies from each parish, district, or division, were to make laws which should be binding, unless abrogated by the proprietors within a year. From a list of thirteen names presented by the freeholders, the new governor would be chosen, Bishop declaring that this is the only instance south of New England where the inhabitants had a share in the choice of governor.¹⁰⁷ According to the instructions given to Sayle, the first governor, there was to be a council of ten members, five deputies of the proprietors and five freemen, these to be elected by the "freemen" of the colony. So at the very outset of Carolina government we have the propertied class, or freeholders, exerting a strong influence over the choice of their rulers. Besides the council there was to be a parliament of twenty persons, chosen by the "freeholders."¹⁰⁸ In 1674 the freemen elected representatives, when, according to Ramsay,¹⁰⁹ there were "the governor, and upper and lower houses of assembly; and these three branches took the name of parliament." Following the proprietary instructions of May 10, 1682, three counties were

¹⁰³ F. L. Hawks, *History of North Carolina*, Fayetteville, 1858, Vol. II, p. 176. This was not always adhered to. As in the case of Brunswick, in 1754, the legislature might make exception in favor of a particular town and permit it to send a representative before there were sixty families resident therein. C. R., Vol. VI, p. xxvii.

¹⁰⁴ C. R., Vol. II, pp. 214-215.

¹⁰⁵ Bishop, *op. cit.*, pp. 88-90.

¹⁰⁶ David Ramsay, *History of South Carolina*, Newberry, 1858, Vol. I, p. 30.

¹⁰⁷ Bishop, *op. cit.*, p. 38.

¹⁰⁸ W. A. Schaper, "Sectionalism and Representation in South Carolina," *American Historical Association Report*, 1900, Vol. I, pp. 338-339.

¹⁰⁹ *Op. cit.*, Vol. I, p. 35.

erected, two of which were given ten members each in the assembly, the third county securing ten representatives in 1696. As had originally been the case, elections for assemblymen continued to be held at Charles Town, in spite of instructions and protests to the contrary.¹¹⁰ We find quaintly, but accurately, stated the conditions preceding and partly responsible for the revolt of 1719 in F. Yonge's "Narrative of Proceedings of the People of South Carolina in the Year 1719":¹¹¹ "At the first Settling of the Country, before it was divided into Parishes, the whole Lower House of the Assembly were chosen at Charles Town, and were Representatives of the whole Province; which custom had continued after the Country was laid out in Parishes, until about a year before Mr. Johnson arrived: when in the Government of Mr. Daniel . . . , wherein amongst other Things it was Enacted, That every Parish should send a certain number of Representatives, 36 in all, and that they should be Balloted for at their respective Parish-churches, or some other Place convenient, on a Day to be mentioned in the Writ . . . , and of the Act, the People were very fond.

"On the other hand, . . . it was sure to displease two of the Lords Proprietors' Principal Officers; their Chief Justice Mr. Trott, and Mr. Rhett his Brother in Law; who by the former Method of Electing at Charles Town, had used to have a great Sway in the Elections, which they thought would be lessened by this new method; and therefore they did what they could to obstruct the Passing of the Bill, which they failed in, but so represented it to the Lords Proprietors [that in due time] arriv'd an Order to the Governor to Dissolve the Assembly forthwith, and to call a new one to be Elected according to the Ancient Custom, they [the Proprietors] not acknowledging the New Election Law, because not approv'd and ratified by them in London." The governor and council tried to conceal the instructions which they had received to disallow the new election law, but the substance of these instructions became known, and, joined to the disallowance of other popular laws, led to great excitement in the colony. Governor Johnson was requested by the colonial leaders to assume the government under the king, but when he refused to do so, the assembly elected by his writs denied the authority of the proprietors and council, and called themselves "the Representatives of the people." Finding Governor Johnson

¹¹⁰ Schaper, *op. cit.*, pp. 340-341.

¹¹¹ Peter Force, *Tracts*, Washington, 1838, Vol. II, pp. 9-10.

firm in his intention to stand by proprietary rights, a convention elected Colonel James Moore as governor; opposed Johnson by force; and at last provided for an election of councillors. By this armed uprising of the people, proprietary authority in the colony was overthrown and its place taken by a revolutionary government which in due time received the recognition of the English authorities.¹¹²

Now let us go back some years in point of time, and devote special attention to the question of parish representation in South Carolina. By an act of 1706, parish representation had been established, but this act was disallowed by the proprietors. A similar act was passed, as we have seen, in 1716, and was again protested, but the people put it into operation in spite of the objections of the proprietors. In 1717 the first election under the new act took place. The people, as Yonge stated, were greatly pleased with the new system, but the next election, and the last to be held under the proprietors, had to be held in Charles Town. Under the royal regime, i.e., after the revolt of 1719, the parish system was reintroduced, with the apportionment of 1716.¹¹³ But the parish system of representation, as it then functioned, was far from perfection. The members of the assembly were not paid. It was said that they spurned the idea of accepting pay for their services. The expense of it may account, in part, for the long delay in extending representation to the newer sections, but only in part. The desire to manage affairs, on the part of the older sections, must have been a powerful factor. When a township was erected into a parish it was entitled to representation in the lower house of the assembly, but parishes did not uniformly have a separate representation, e.g., St. Thomas and St. Denis parishes were always united into one election district. The assembly, after 1695, always fixed the representation by law.¹¹⁴ In 1768 the representation of three parishes was cut down, bringing forth some vigorous protests. One writer published a lengthy article on the question of representation and the power of the assembly in the matter.¹¹⁵ The position of the majority in the assembly had been that the assembly had the power of granting representation by a legal enactment. That being the case,

¹¹² A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies of North America*, Philadelphia, 1905, p. 149.

¹¹³ Schaper, *op. cit.*, p. 343.

¹¹⁴ *Ibid.*, p. 346.

¹¹⁵ *South Carolina Gazette*, Sept. 25, 1768.

it could reduce the representation of a parish on the principle that the power that can give can also take away. But the writer held that the right of representation rested on the English constitution; that it was the result of a long development, reaching back to Saxon times. The King alone could grant the right to a community, and once given it could never be revoked. It rested largely on the principle that no freeholder shall be taxed without his consent. The up-country was now demanding representation and the writer held that a man must be a brute who denied their right of sending representatives to the assembly, but it seemed to him that the King alone had the authority to allow it. The up-country repeatedly petitioned the legislature and the governor for the privilege of representation in the decade from 1760 to 1770, but it was not allowed them until a Revolutionary body—the general committee at Charles Town—permitted it in 1774. The up-countrymen had sometimes come down to the parishes to vote, but in 1768 they were shut out, except in Prince William's parish.¹¹⁶

Now as to the suffrage—the tendency was evidently to restrict it more and more. It was always confined to the whites, though not specifically denied to the negro until 1712. The property qualification was fifty acres of improved land, or its equivalent to the value of £10 in 1704. However, the qualifications became more stringent until, in 1759, the law was changed to read, "a settled plantation," or one hundred acres of unsettled land, or property to the value of £60 proclamation money.¹¹⁷

In like manner the qualifications for members of the assembly tended to become more and more inclusive, and to favor the slave owners. The property qualification for members was higher than that for voters. In 1682 it was fixed at a freehold of 500 acres. In 1719 it was 500 acres and six slaves. The number of slaves requisite for membership was increased to twenty in 1745, but decreased to ten in 1776.¹¹⁸

CONCLUSION

A few general observations concerning representation in the American colonies are now in order. In Massachusetts religious orthodoxy was requisite for the suffrage franchise. This was hardly

¹¹⁶ Schaper, *op. cit.*, pp. 347-348.

¹¹⁷ *Ibid.*, p. 352.

¹¹⁸ *Ibid.*, pp. 352-353.

true in Virginia, even though in the seventeenth century acts were passed providing for compulsory church attendance. In Pennsylvania and Carolina freedom of religious belief was expressly permitted. In New England one must be a freeman to vote, elsewhere one must be a freeholder to vote. New England's requirement for the franchise during the eighteenth century was that of the other colonies, namely, the possession of property. In New England the town was the basis of representation; in Pennsylvania, Virginia, and North Carolina, the county; in South Carolina, the parish. Representation according to population was not adhered to as a principle in any of the colonies, although when population grew to the point where an inequality of representation resulted, the affected districts complained to the powers that were; sometimes a redress of this grievance occurred, sometimes not. So we may say that district representation, in general, prevailed, rather than representation by population. The delegate theory of representation seemed in vogue; a representative was sent to the assembly as a delegate by the people of his district; he was to vote in the assembly not so much as his own judgment prompted him as in accordance with the wishes of his constituents. And probably representatives could be from other than their home districts, although evidence on this point is somewhat uncertain. Compulsory voting was rare. And lastly, as to whether representation served as a check upon the government, or as a substitute for direct action by the people, it was seemingly a combination of the two. Representation was a plant not indigenous to America, but here it took root, early and deeply, and flourished.

TWELVE NORTH CAROLINA COUNTIES IN 1810-1811

By A. R. NEWSOME

II.

EDGECOMBE COUNTY

By JEREMIAH BATTLE¹

To the Editors of the *Star*,
with the compliments of

Tarboro. June 1812

Jer. Battle

A Statistical and Historical Account of Edgecomb County.² First presented to the Agricultural Society³ of said County

By Jer. Battle
1811.

1. The County Edgecomb extends about 40 miles from North to South, & 30 from east to west. It is generally a level country with gentle eleva-

¹ Jeremiah Battle, a native of Edgecombe County, was the son of Elisha Battle, Jr., and grandson of Elisha Battle, a revolutionary statesman. He matriculated but did not graduate with the class of 1802 at the University of North Carolina. He was a physician of prominence in Tarboro and later Raleigh, where he spent the last years of his life. His interests extended far beyond the boundaries of his profession. He was a trustee of Tarborough Academy, incorporated in 1813; secretary of the Agricultural Society of Edgecombe; and, after moving to Raleigh, he helped organize the Raleigh Peace Society in 1819, and served as its corresponding secretary. He obliged the editors of the *Star* by submitting the most elaborate county description received in response to the circular letter; and in 1815 he supplied a two-column description of Pilot Mountain, which was published in the *Star* of September 29, 1815. He died unmarried in Raleigh, February 28, 1825—"a man of considerable eminence in his profession, and universally respected for his liberality and kind and benevolent disposition." *Raleigh Register*, March 1, 1825; M. deL. Haywood, "An Early Peace Society in North Carolina," *The North Carolina Booklet*, VII, 290-300; *Laws of North Carolina*, ch. 48; K. P. Battle, *History of the University of North Carolina*, I, 168; *Star*, IV, 176 (October 30, 1812).

² This account of Edgecombe County, with omissions of the statistical table and the sections on "Rivers, Waters, Bridges, etc.," and "Diseases," was printed in the *North Carolina University Magazine*, X, No. 8 (April, 1861), 456-472, and reprinted in *Our Living and Our Dead*, I, (October, 1874), 145-158.

³ The Edgecombe Agricultural Society was first proposed on July 4, 1810, and organized soon thereafter. Jeremiah Battle was secretary of the organization and seems to have been its chief promoter. In 1812, the Society, which had about 30 members, offered several cash prizes, to be awarded at designated meetings in 1813, for the best specimen of homespun, the largest yields of corn, wheat and small grains per acre, the largest bull, the largest beef steer, and the largest ram lamb. Any person living in a county wherein any member of the Society resided was eligible to compete for the prizes. The Society met on Tuesday evening of each court week, which began the last Monday in February, May, August, and September. It may have died after the removal of Jeremiah Battle to Raleigh, since it is not included in a list of such societies in North Carolina in 1823. Later it was revived, for in 1851, at its first anniversary, John L. Bridgers addressed the Society, and in 1852 Dr. James H. Phillips delivered an address at its third annual meeting. Its influence was a contributing factor to the renowned progress of agriculture in the county in the decade before the Civil War. *The North Carolina Register*, 1823, 100; *Star*, October 30, 1812; *The Farmers' Journal*, I, 224-239, 256-267; J. K. Turner and John L. Bridgers, Jr., *History of Edgecombe County, North Carolina*, 331-333.

tions; & not destitute of pleasant & healthy situations. The soil is exceedingly diversified; consisting of a gradation from poor piney woods to a rich swamp land lying on the creeks & river:⁴ the proportion of these is about three fourths of the former to one of the latter. The best river land produces abundantly of Indian corn, peas, wheat, Rye, oats, sweet potatoes, Irish potatoes, cotton, Flax &c. & it is believed some spots are well adapted to the culture of Hemp.

The best piney land produces every thing that the river land does, but not in the same degree of perfection; & the most barren piney lands are yet valuable, where they are not too remote from navigation, for the Tar & Turpentine they afford. The lands on the river are valued from Ten to twenty Dollars per Acre. On the creeks from five to ten; & the piney woods from one to five. In the County there is a great variety of excellent 'Timber,' viz. on the river & creeks are various species of oak, poplar, Hickory, Black Walnut, Mulberry, ashe. The swamps afford excellent Cypress, Juniper & white oak. But the pine Timber is perhaps still more valuable, being tall, straight, & well calculated for building. These different situations abound in various other 'growth', as the Cedar, Elm, sugar maple, Dog wood, sassafrass, Chinquepin, sweet Gum, Black Gum, Whortleberry,⁵ Grape vine &c. The Forests, fields & gardens also abound in shrubs & plants that, serve the purposes of medicine & the rural arts; viz. The High & Low Myrtle, the Gall-berry,⁶ the several Kinds of Rus,⁷ particularly the Rhus Glabruin or common Sumach;⁸ Wild Turnip,⁹ Dock,¹⁰ Poke,¹¹ Thorn apple,¹² night shade,¹³ Virginia Snakeroot,¹⁴ pocoon¹⁵ &c. The latter appears to be a species of Turmeric,¹⁶ growing spontaneously in rich soils; & will, in time, probably become an important article of the Materia Medica.¹⁷ The 'Hortular Plants',¹⁸ roots & herbs are colwarts,¹⁹ Cabbage, Lettuce, Spinnage,²⁰ parsley, cresses,²¹ onions, Celery, Radishes, Carrots, parsnips, Turnips, asparagus &c. There are also fruit trees in abundance, particularly the apple, pear, plum, cherry, nectarine²² & peach. The latter comes very

⁴ Tar River.

⁵ Huckleberry.

⁶ The inkberry, a species of holly with evergreen oblong leaves and small black berries, found in sandy lands along the Atlantic coast.

⁷ A large genus of anacardiaceous shrubs and trees, the sumacs, natives of warm regions chiefly. Some of the species are poisonous to the touch; others are harmless, ornamental shrubs.

⁸ Any anacardiaceous shrub or tree of the genus Rhus. The sumac has a high content of tannic acid, useful in tanning and dyeing.

⁹ The Indian turnip or jack-in-the-pulpit, a plant producing bright scarlet berries.

¹⁰ Any plant of the genus Rumex. Most docks are troublesome weeds with long tap-roots whose astringent and tonic qualities made them useful as a remedy in various skin diseases.

¹¹ A coarse American perennial herb whose dark purple juicy berries and root are emetic and purgative.

¹² The small red fruit of the hawthorn, often called the haw.

¹³ Any of the various species of the genus Solanum; the belladonna.

¹⁴ One of the numerous snakeroot plants, which had reputé as remedies for snake bites.

¹⁵ The Virginia Indian name of a North American plant yielding red dye with which the Indians painted themselves. In early writings it is spelled variously: puccoon, pohcoon, pochone, poukhone, pochone, pecoon, pocoon, puckoon.

¹⁶ A plant used for making dyes and for medicinal purposes.

¹⁷ The branch of medical science which treats of the remedial substances used in the practice of medicine.

¹⁸ Pertaining to the garden.

¹⁹ Any variety of cabbage in which the leaves do not form a compact head; the collard.

²⁰ Spinach.

²¹ Plants whose moderately pungent leaves are used in salads and garnishings.

²² A smooth-skinned variety of peach.

soon to perfection, but is subject soon to decay, the owners having never adopted any of the methods that have been discovered for their preservation. There are many good "springs" on the river & creeks; & the 'Wells' in the piny woods are generally good.

2. "When the County was first settled" cannot be well ascertained from any documents here; but it was probably prior to the year 1726; the oldest land patents we have met with bearing this date. As the first settlements of the continent commenced at the mouths of rivers, so these interior settlements commenced at the mouths of creeks, progressing upwards as the natives gave ground. At the mouth of Town Creek,²³ it is believed, was the first settlement in the county. The site of Tarborough & its vicinity were settled at an early period.²⁴ The Indians inhabiting these parts were driven by some of the settlers at Bath, across Contentnea,²⁵ where they made a stand, built Forts, & dwelt secure for several years, but were at length besieged & destroyed. The ruins of their Forts are now to be seen in Green County.²⁶ But the greatest number of its early settlers came from Virginia. The principal "object of the first settlers" appears to have been the enjoyment of *ease & idleness*; & there is not, perhaps, a spot in the State where a mere subsistence was, & still is more easily procured, than here. The chief, & almost entire occupation was hunting & rearing stock; which consisted principally of Horses and Cattle. The former ran wild, & were pursued & taken by stratagem when necessity required. Cattle were esteemed of more value, & were kept gentle, but subsisted thro the year without feeding, except cows & calves. Agriculture was scarcely thought of. The settlers were much of their time under the necessity of eating meat without bread. One Horse & plow served a whole neighborhood. About the year 1740 the natives were numerous in this part of the Country,²⁷ & the land being mostly vacant none could be sold except such as had some improvement, & then low. Edgecomb retains one of the most ancient names of any of the counties in the state;²⁸ it formerly included the counties of Northampton,

²³ A southern, eastward flowing tributary which empties into Tar River a few miles below Tarboro.

²⁴ J. K. Turner and J. L. Bridgers, Jr., state in their *History of Edgecombe County, North Carolina*, 17-18, that "the mouth of Town Creek marked the beginning of settlement in 1720"; that the present vicinity of Tarboro was settled two years later; and that by 1723 there were twenty families on Tar River alone. In 1735, 66 inhabitants of Edgecombe precinct were reported as having paid arrears of quit rents from September 29, 1729, to March, 1732, on 37,186 acres of land. S. R., XXII, 240-245.

²⁵ A northern tributary of the Neuse flowing through the present counties of Greene and Wilson.

²⁶ The settlement of the Palatines on the Neuse in 1710 and the conflict among the whites known as Cary's Rebellion prompted an alliance of the Indians under Hancock and a disastrous assault on the whites in 1711. The principal Indian town was Cotechney on Contentnea Creek, near the present site of Snow Hill in Greene County. In the course of the next two years, the North Carolinians, aided by South Carolina, fought the Indians at Fort Narhantes and Cotechney, and finally on March 20, 1713, administered at Fort Nohoroco the severest blow ever experienced by the Indians in Eastern North Carolina. This defeat began the emigration of the Tuscarora to New York. R. D. W. Connor, *Colonial-Revolutionary Periods*, ch. 7.

²⁷ In 1731, Governor George Burrington wrote that there were six Indian tribes living within the area of English settlement on land assigned to them—the Hatteras, Maremuskeets, Pottoskites, Chowans, Tuscarora, and Meherrins. Not one of these tribes exceeded 20 families except the friendly Tuscarora under King Blount, who numbered 200 fighting men. These tribes lived in places secure from the foreign Indians, and regarded the whites rather as protectors than as enemies. C. R., III, 153.

²⁸ There is disagreement among the historians as to the date of the formation of Edgecombe County. Wheeler states that it was formed from Craven County in 1733; Ashe gives the date of formation of Edgecombe precinct as 1732; and the *North Carolina Manual*, 1913, says Edgecombe

Halifax, Martin, Nash, & several others. This county affords but little Historical information. It may be worthy of remark, however, & is much to the credit of the county that its inhabitants formerly were, & still are, docile, peaceable & easily governed.²⁹ This is evinced by adverting to the circumstances of the late revolution. The mandates of a self created power, termed a committee, which engrossed all the authority, both civil & military, were then as implicitly obeyed as are now the laws of our Legislature.³⁰ There was no opposition to their orders, & none endeavoured to evade them, except the tories, (who were actuated perhaps, more from

County was formed in 1735 from Bertie. It was formed from Bertie, but the undisputed existence of the county dates from 1741.

On May 16, 1732, Governor Burrington, with the consent of his council, granted the petition of the people on the south side of Roanoke River, Fishing Creek and places adjacent for the erection of a new precinct. He ordered the establishment of Edgecombe precinct, with boundaries "from the Country Line on the South side of Roanoke River and from thence down south side of said river to the mouth of Conoconaro from thence in a straight line down to Blounts old Towne on Tarr River observing the Courses of said Line to Nuse River and from thence to the North East Branch of Cape Fear River." He appointed twelve justices of the peace and ordered a precinct court to be held in August, November, February, and May of each year. *C. R.*, III, 417. In November of the same year, Burrington granted a petition for annexation to Edgecombe from the inhabitants of the region south of the Roanoke "from Hoskins Line at the Rainbow Banks upon a Straight line to Blounts old Town on Tarr River and so up Roak River to the Line of Edgecombe." *C. R.*, III, 425. Nathaniel Rice and John Baptista Ashe, two members of the Council, protested in the Council and to the Lords of Trade against the power of the Governor and Council to erect new precincts. Their contention was that the General Assembly of the representatives of the people should share this power. Burrington answered their objections, contending that his action was in line with past practice. *C. R.*, III, 439-457.

The General Assembly of July, 1733, refused to seat the representatives from Edgecombe precinct, and accepted the report of a special committee that no new precincts should be created without the consent of the General Assembly and that the representatives of the new precincts be not admitted. As a result of a conference with the Council, Edgecombe was granted permission to send members to the next General Assembly. *C. R.*, III, 545, 562, 574-576, 581, 583. In the General Assemblies of November, 1733, November, 1734, and January, 1735, Edgecombe precinct was represented. *C. R.*, III, 612, 635, IV, 115. There is no record of its official representation from 1735 until after it was established as a county in 1741.

In the General Assembly of 1734, a bill to establish Edgecombe precinct, supported by a petition of the inhabitants, passed two readings, but was not enacted into law. *C. R.*, III, 640-642. In 1735, a bill passed the General Assembly, but was tabled and later rejected by the upper house. The contest and deadlock continued until 1741, when a law was passed establishing Edgecombe County for the convenience of the inhabitants of that region "who are very numerous, [and] labour under great Hardships, for want of Representation in the General Assembly of this Province." The boundaries were established as follows: "Beginning on Roanoke River, at Jenkin Henry's Upper Corner Tree, from thence a straight course to the Mouth of Cheek's Mill Creek, on Tar River; and from the Southside of the said River, opposite to the said Cheek, a straight line into the Middle grounds, between Tar and Neuse rivers; which shall be the dividing line between Beaufort and Edgcombe, and Craven Counties; and from thence up as high as may be, keeping the Middle between the said two Rivers, which shall be the dividing Line between the Counties of Craven and Edgecombe, and Beaufort." *C. R.*, IV, 130, 232, 239, 363, 498, 513; *S. R.*, XXIII, 164-165; Turner and Bridgers, *op. cit.*, 19-26.

If Edgecombe precinct should be considered as having a continuous existence from 1732 (though it did not always have representation until after 1741), the law of 1739 changing the precincts of the colony into counties might be regarded as establishing Edgecombe County. In fact, the name "Edgecombe County" was in current use prior to the act of 1741, which established the county officially. *S. R.*, XXIII, 126.

Burrington appears to have named Edgecombe precinct in 1732 for Richard Edgecombe, who became Baron Edgecombe in 1742, an English nobleman and a lord of the Treasury, though this has been questioned. *North Carolina Manual*, 1913, 599; *C. R.*, V, 122-123, 396-399, 480-488, 1103-1107, *S. R.*, XI, 119-120; Gaston Lichtenstein, "For Whom Was Edgecombe County Named?", *The North Carolina Booklet*, XVIII, No. 2, 116-119.

²⁹ Such was not always the case. The people of Edgecombe stubbornly resisted the quit rent policy of the government. In 1737, believing that a man imprisoned by the General Court for insulting a marshal had been punished for failure to pay his quit rent, five hundred inhabitants of Edgecombe and Bertie rose in arms and marched to within five miles of Edenton, cursing His Majesty and making rebellious speeches. Governor Johnston reported to the Board of Trade that the inhabitants were ready to rebel against quit rents. In 1759, a group of people from Edgecombe went to Edenton and forced Corbin, the agent of Lord Granville, to accompany them to Enfield, and to give security to return at the next spring term of court and to refund all fees taken unjustly from the people. Later there was some sympathy in Edgecombe for the Regulators. *C. R.*, IV., 267, VI, 292-293, VIII, 357; Turner and Bridgers, *op. cit.*, 27-30, 75-80.

³⁰ The Provincial Congress of August, 1774, recommended the selection of a committee of safety in each county to execute the policy of the Congress. In August, 1775, a Provincial Congress set up a new government, consisting of a Provincial Council, six district committees of safety, and local committees. The action of these Congresses was revolutionary. *R. D. W. Connor, op. cit.*, 354, 375-376.

cowardice than principle.) a part of these embodied themselves in the southwest part of the county; & also a considerable number in the North-east, for the purpose of resistance.³¹ But all were dispersed without bloodshed: In effecting this Col^s. Hill³² & Williams³³ of Martin, were instrumental. A few Scotch merchants resided in the county at the commencement of the revolution; but they preferred remaining subjects of G. Britain, & of consequence left the country under the expulsion law.³⁴ No part of this county was ever a scene of action during the war.³⁵ But the inhabitants were not idle spectators. Both officers & Soldiers were ready at all times to serve their country. It would be unpardonable on this occasion not to mention the merits of Col. Jonas Johnston,³⁶ who rose from obscurity, & acted a conspicuous part in our revolutionary struggle. He was born in the year 1740, in Southampton County Virga.

³¹ In July, 1777, Henry Irwin of Tarboro wrote to Governor Caswell of a "most wicked conspiracy" on the part of "too many evil persons in this and the neighboring counties . . . about 30 of them made an attempt on this place but luckily I had about 25 men to oppose them. I disarmed the whole and made many take the oath." William Brimage of Halifax was supposed to be a leader of the conspiracy. He fled, was captured at New Inlet, and placed in jail at Edenton. S. R., XI, 521, 539, 551, 552.

Turner and Bridgers, *op. cit.*, 93, 98, states that there were attempted Tory uprisings early in 1776 and late in the winter of 1776, and that the courage of the Tories was renewed by the appearance of the British in May, 1781.

On July 3, 1779, the Governor laid before the Council evidence that certain persons on the line of Edgecombe, Nash, Johnston, and in upper Dobbs had assembled and signed articles of association to prevent the drafting of the militia and to release those who might be drafted. They had spread disaffection, threatened patriots with desolation, treated warrants with contempt, insulted and abused officers, and wounded persons who were apprehending deserters from the continental army. The Council advised the Governor to order a detachment of Dobbs militia to apprehend the alleged ring leaders—Samuel Godwin, Thomas Davis, Enoch Horn, and one Braswell, and all other of the "Associators who may be thought dangerous." S. R., XIV, 319.

³² Whitmell Hill of Martin County, son of John and Martha Hill, was born in Bertie County, February 12, 1743, and graduated from the University of Pennsylvania in 1760. He was a member of the Provincial Congresses of August, 1775, April, 1776, and November, 1776; provincial council for Edenton district, 1775-1776; council of safety for Edenton district, 1776; House of Commons, 1777; state Senate, 1778, and speaker; Continental Congress, 1778-1781; state Senate, 1783, 1784, 1788; Convention of 1788; and Council of State, 1781, 1787, 1788. He was appointed lieutenant-colonel of the Martin militia in 1775 and 1776, and colonel in 1778. In 1787 and 1788, he was a commissioner of navigation to open Albemarle Sound. He died at Hill's Ferry, Martin County, in September, 1797. *North Carolina Manual*, 1913, 402, 422-424, 453, 690-691, 887, 909; C. R., X, 205, 214, 283, 349, 470, 531, 581, 619, 684; S. R., XII, 600, 707-708, and XXIV, 931, 966; D. L. Swain, "Life and Letters of Whitmell Hill," *North Carolina University Magazine*, X, No. 7, 385-398; J. H. Wheeler, *Historical Sketches of North Carolina*, II, 252; *The National Cyclopaedia of American Biography*, XII, 118; *A Biographical Congressional Directory*, 727.

³³ William Williams of Martin County represented Edgecombe in the House of Commons, 1754-60, and served on the Committee of Public Claims in 1760. He was a member from Martin County of the Provincial Congresses of August, 1775, April, 1776, and November, 1776; state Senate, 1777; House of Commons, 1788, 1789; and Convention of 1789. He was appointed colonel of the Martin County militia in 1775 and 1776, resigning his commission in 1778 because of infirmities. *North Carolina Manual*, 1913, 364, 402, 690-691, 887; C. R., X, 205, 536; S. R., XII, 600, 707-708, XIII, 393, and XXII, 818.

³⁴ This act, passed in 1777, declared that all late officers of the King and persons who had traded directly to Great Britain or Ireland within the past ten years in their own right or as agents of merchants resident in Great Britain or Ireland should take the "oath of Abjuration and Allegiance or depart out of the State." S. R., XXIV, 9-12. Turner and Bridgers, *op. cit.*, 93, states that "in 1777 the Scots were driven out of the county."

³⁵ There were two minor engagements in Edgecombe County of which Dr. Battle had no knowledge—at Swift Creek and Fishing Creek in May, 1781, where militia attempted to stop the progress of the advanced guard of Cornwallis' troops under Lieutenant-Colonel Tarleton. "The Americans at Swift Creek, and afterwards at Fishing Creek, attempted to stop the progress of the advanced guard; but their efforts were baffled, and they were dispersed with some loss. The British took the shortest road to Halifax." Lieutenant-Colonel Tarleton, *A History of the Campaigns of 1780 and 1781 in the Southern Provinces of North Carolina*, 287.

³⁶ Jonas Johnston was born in Southampton County, Virginia, in 1740. He was a justice of the peace in Edgecombe County, 1776, 1779; and a member of the Provincial Congress of November, 1776, and of the House of Commons, 1777, 1778. He was 1st Major of Militia in 1776, recruiting officer for Edgecombe in 1777, and entry taker for Edgecombe in 1777. He died July 29, 1779, at the house of Mr. Amis, on Drowning Creek near the South Carolina line. *North Carolina Manual*, 1913, 398, 599; C. R., X, 531; S. R., XV, 222, XXII, 928, 956, and XXIII, 993; Edgecombe County Court Minutes, 1779, North Carolina Historical Commission MSS.; J. H. Wheeler, *Reminiscences and Memoirs of North Carolina and Eminent North Carolinians*, 158.

& came with his father to this country when quite young. He was raised a plain, industrious farmer, without education.* Nor was it discovered that

*After one of his speeches in the general assembly, which was more remarkable for the good sense it contained than for grammatical stile, he was asked by a professional gentleman 'where he got his education?' He replied, "at the handle of his plow."

he possessed such eminent talents until the commencement of the war. He at a very early period stepped forth in the cause of liberty, & ever proved himself the true patriot, the hero & statesman as long as he lived. He from time to time filled every office in the county, both civil & military. He represented our county in the state conventions,³⁷ & in the Legislature. Altho he was almost destitute of education he was a considerable orator; & whenever he rose to speak in those public assemblies the greatest attention was paid to his opinions, as they ever carried the strongest marks of good sense. His language was bold & nervous; well adapted to incite the people to patriotic exertion. He was modest, yet confident, prompt & decisive; ready to stand foremost (if required) in every matter he advised. At a public meeting at Tarborough, not long after the commencement of the war, information was brought that there was an insurrection of tories near cape fear, & that assistance was much needed to quell them. Mr. Johnston being present, addressed the people in a speech of considerable length & eloquence; & soon obtained a band of volunteers; who marched with him at their head that same evening. In the year 1776 he went out to Moor's Creek³⁸ against the tories; & in the same year was a member of the convention that formed the State Constitution. after which he was constantly & actively employed as a legislator & military officer until the year 1779, when he took command of a regiment of Militia and went to the assistance of South Carolina. as his regiment was a considerable time detached from any other army he had frequent occasion to address, sometimes the Legislature of this State, & at others the Governor of S. Carolina, by letter—nor would those letters (in matter & diction) have discredited any statesman.³⁹ He was not long enough in the army to distinguish himself much as a soldier. He was in the battle of Stono,⁴⁰ & there conducted himself with the intrepidity & coolness of a veteran*. This was

*His tenderness & love for the soldiers under his command are spoken of to this day by those who had the pleasure to serve under him. He could not bear to see any soldier suffer more hardship than himself.

the last service he rendered his country. There, he being in a debilitated

³⁷ The reference is evidently to the Provincial Congress.

³⁸ The patriots under the command of Col. James Moore defeated the Scotch Highlanders under Donald MacDonald at Moore's Creek Bridge, February 27, 1776, and upset their plan of joining the British at Wilmington.

³⁹ Two of Johnston's letters are in the Legislative Papers, 1779, North Carolina Historical Commission MSS. One is written by Johnston and the other by someone else but signed by him. The writing is crude and the spelling poor.

⁴⁰ The battle of Stono, in the vicinity of Charleston, occurred on June 20, 1779.

state, so exhausted himself, as to hasten the disease of which he died on his return home.⁴¹

Henry Irwin had long been a resident, & merchant of Tarboro. He took an active part in our differences with G. Britain; & perhaps no man, according to his situation, made a greater sacrifice to his country. He, at an early period of the war obtained a Lieutenant-colonel's commission in the regular army. He bade adieu to his family of infant children, & to his ease—and joined the army, alas! to return home no more. He fell in the battle of Germantown, bravely fighting in the cause of his country. As the enemy ultimately kept the field of battle his body was never recovered that it might receive the honors due to his merits.⁴²

Henry Irwin Toole was the first who took a commission in the regular army. He soon received a company, & marched to the assistance of Virga. He was in the battle fought at the Great bridge⁴³ near Norfolk, where he sufficiently distinguished himself for his bravery. At the discharge of the Troops, which were raised only for a given time, he returned to Tarboro, where he pursued the business of a merchant with much credit & success, as long as he lived. His death was an irreparable loss to his young family, a considerable loss to the county in general, & was much lamented by a numerous acquaintance.⁴⁴

Colonel Isaac Sessums was a great whig, & very active in the service of his country. He was Senator from this county when the Legislature sat at Newbern. & he there died.⁴⁵

3. Rivers, Waters, Bridges &c.—Tar* river or Pamtico⁴⁶ is the only

*Both these are probably Indian names.—It appears that Roanoke was considered even by the natives, who lived in the woods, as a sickly place. Those who changed their residence from that river to this called this Tar-river, signifying, it is said, the river of Health.

river in the county. It rises in Granville Co. & runs thro Franklin, Nash,

⁴¹ Wheeler states that "Johnson" was severely wounded at the battle of Stono, and died on his way home. J. H. Wheeler, *Historical Sketches of North Carolina*, II, 143. No evidence supporting Wheeler has been found. Battle writing in 1811 of his own county was in better position to know the facts than Wheeler, who wrote 40 years later. In Wheeler's *Reminiscences*, published in 1884, Johnston is said to have been wounded at Stono and to have died from the privations of war and the debilitating effects of the Southern climate (p. 158).

⁴² Henry Irwin was a member of the Provincial Congresses of August, 1775, and April, 1776, and a justice of the peace, 1776. In 1775, he was appointed lieutenant colonel of the minute men of Halifax District, and in 1776, lieutenant colonel of the 5th regiment, North Carolina troops in the Continental Line. He put down a Tory conspiracy at Tarboro in July, 1777. He was killed at the battle of Germantown, October 4, 1777, where his remains now rest. C. R., X, 204, 517, 520; S. R., XI, 521, XXII, 1008, and XXIII, 993; *North Carolina Manual*, 1913, 398; J. H. Wheeler, *Historical Sketches of North Carolina*, II, 142.

⁴³ The battle of Great Bridge occurred near Norfolk, December 9, 1775. S. A. Ashe, *History of North Carolina*, I, 489.

⁴⁴ Henry Irwin Toole was appointed captain in the 2nd regiment, North Carolina troops in the Continental Line, September 1, 1775. He resigned his commission in 1776. In 1778 and 1785 he was a commissioner of the town of Tarboro, and represented Edgecombe in the House of Commons, 1781. C. R., X, 187, 559; *North Carolina Manual*, 1913, 599.

⁴⁵ Isaac Sessums was a member of the Provincial Congress of November, 1776; House of Commons, 1778, 1784; and state Senate, 1782, 1784. He was a justice of the peace, 1776; a commissioner to run the Halifax-Edgecombe boundary line, 1778; and lieutenant colonel of the Edgecombe militia, 1779. He died while in the Senate at New Bern, 1784. On November 17, the General Assembly adjourned until the next day and attended his funeral in a body. *North Carolina Manual*, 1913, 398, 599; S. R., XIX, 803, XXII, 956, XXIII, 993, and XXIV, 249.

⁴⁶ The Tar River broadens into an estuary near the town of Washington, whence in its course to Pamlico Sound it is known as Pamlico River. Pamlico is spelled variously on old maps: Pamtico, Pamticoe, Pamptico, Pampticough, Pampticoe, Pamplico, Pamlico, Pantego, Pantegoe. The origin of the name of Tar River has been explained variously as from an Indian original

Edgecomb, Pitt & Beaufort, & empties into Pamlico Sound.⁴⁷ It is navigable a considerable part of the year for Boats of a particular construction, carrying from 200 to 400 Barrels; as high up as 15 miles above Tarboro in a straight direction which is 40 or 50 by water. That portion of Tar river which passes thro Edgecomb meanders thro a tract of 75 miles, from Nash to Pitt. It is from 50 to 125 yards wide. Its banks are in many places low & fertile; & are subject, occasionally to be inundated by freshes. It is notorious that the waters in our creeks, & especially Tar river, have greatly diminished within these 20 or 30 years past; which circumstance tends greatly to enhance the value of those lands. Formerly the destruction of crops in these low grounds was so frequent as to render even a comfortable subsistence precarious to those who cultivated no other; whereas it is now a rare occurrence for a crop to be destroyed by inundation. A like circumstance has been observed in the Northern States, & is attributed to the application of the water courses to the purpose of meadows; but *we* must look for some other cause, as we have no artificial meadows here: Perhaps the more extensive tillage to which these lands are now subjected, than formerly, may promote the absorption & exhalation of moisture to such a degree as to lessen the accumulation of those waters. During the summer of 1810 the drought was excessive; not more than two or 3 moderate showers of rain fell in many parts from harvest till October. The waters became so low that not a mill in the County could be depended on to obtain meal. A phenomenon appeared in the river which, it is said had not been observed since the year 1782. (which was also a very dry year.) It was a green appearance which the water in the river exhibited; & is said to be occasioned by a larger quantity than usual of Moss, which increases in proportion to the paucity of the water, & its transparency, exhibiting the colour of the green leaves on the impending trees, by reflection.

Where the line dividing Edgecomb from Nash crosses the river there commences a 'Cataract,' which extends down the river a quarter of a Mile. The bed of the river & its banks are covered with rocks of all sizes under 20 feet in diameter; & when the water is high, in passing over & amongst these rocks, it may be heard 4 or 5 miles.—This cataract (usually denominated the Great Falls)⁴⁸ is attended with several advantages. It affords

Tau, Taw, or Tor, signifying river of beauty or health, and as from tar, an important article in the naval stores industry of that region. The second explanation is more reasonable. In available maps before the 18th century, when the original Indian name would more likely appear, the name used is some form of "Pamlico." In later maps, after the whites had settled the region and tar had become an important article of commerce, serving even as a medium of exchange as early as 1713, the name "Tar" or "Tarr" is generally found for the river proper, and some form of Pamlico for the estuary. *C. R.*, II, 811; Turner and Bridgers, *op. cit.*, 36-37.

⁴⁷ The Tar River rises in Person County and flows through Granville, Franklin, Nash, Edgecombe, Pitt, and Beaufort.

⁴⁸ The Great Falls, which by a slight change in the boundary line in 1871 was placed in Nash County, is now the site of the Rocky Mount Mills. For a century or more, it has been the site of a cotton mill. Falls and rocky obstructions are to be found on the Atlantic rivers where they leave the ridge of granite at the edge of the Piedmont and enter the alluvial coastal plain. *Public Laws of North Carolina*, 1871-72, ch. 171; *Laws of North Carolina*, 1828-29, ch. 65; Turner and Bridgers, *op. cit.*, 344-345; information furnished by Mr. Thomas H. Battle, Rocky Mount.

seats for three Grist Mills & a saw mill; some of which have been running 60 or 70 years, & seldom stop for want of water. Were it not for the necessity of giving Shads an opportunity of passing up the river the water would be inexhaustable. This plan has long been resorted to by those who from necessity or amusement are induced to fish with the Dipping Net. From 50 to 200 Shads have been taken in a day by a single net. But it is now a poor business, in consequence of the number of seines that are employed below. About two miles lower down the river are the Little Falls;⁴⁹ a place also much frequented for fishing with the dipping net. This is an eligible seat for Mills, & one is now building by Mr. Jesse Andrews. He has also commenced the building of a Bridge here; & will probably extend his improvements, by inventions of his own, as he is a young man possessing considerable mechanical talents.

In descending the river, clusters of rocks are met with for 4 or five miles, after which the stream glides smoothly on, & with no great labor might be rendered navigable for such Boats as pass from Tarboro to Washington.

At the commence of the Great Falls, mentioned above, is an "Island" containing about 15 acres, & is called the Panther Island, from its being formerly the habitation of those animals. There is another Island about the termination of this cataract, of a smaller size, & has been in cultivation.⁵⁰ These are all the islands worthy to be noticed,⁵¹ except those interspersed among the swamps of Connetto,⁵² to be mentioned hereafter.

Tar river has two 'Bridges' in the county. The most considerable one is at Tarboro. It is about 200 yards long, well built, & wide enough for two carriages abreast. It was built by M. Whitaker Esq. & cost the county \$1400. Eight miles above is Teat's Bridge, which is also built & supported at the public expense.⁵³ 12 miles above Tarbo, at Shell Banks, the seat of Joel Battle Esq.⁵⁴ another Bridge was built at his own expence, but

⁴⁹ In 1910, the Rocky Mount Mills bought Little Falls and later blasted a channel to increase the working head of the Great Falls power. Information furnished by Mr. Thomas H. Battle, Rocky Mount.

⁵⁰ Today there are two islands at the Great Falls—Big Panther Island, comprising about 15 acres, and Little Panther Island, about $\frac{1}{2}$ acre. Information furnished by Mr. Thomas H. Battle, Rocky Mount.

⁵¹ Hamilton Fulton, Civil Engineer to the State, laid before the Board of Commissioners of Internal Improvements in 1820 a report of a survey of Tar River, in which he mentions "an island near the mouth of Swift Creek, which divides the waters of the Tar." A Journal of the Proceedings of the Board of Commissioners for Internal Improvements, 109, North Carolina Historical Commission MSS. This island, called Hemmed Island, is about $\frac{1}{2}$ mile long and $\frac{1}{4}$ mile wide. W. E. Hearn, *Soil Survey of Edgecombe County, North Carolina*.

⁵² Conetoe Creek flows southward through the eastern part of Edgecombe County into the Tar River in Pitt County.

⁵³ Teat's Bridge was two miles above the mouth of Swift Creek. A Journal of the Proceedings of the Board of Internal Improvements, 109. In North Carolina the general bridge law authorized the county court to build and repair bridges and to levy taxes in the county to defray the expense. Laws of 1784, S. R., XXIV, 674-678.

⁵⁴ Joel Battle (1779-1829) was a student at the University of North Carolina, 1798-1800, a justice of peace, one of the founders and trustees of Tarborough Academy in 1813, and a prominent planter and cotton manufacturer. He was the chief promoter of the Edgecombe Manufacturing Company incorporated by the General Assembly of 1828-29, which built one of the early cotton mills in the State at the Great Falls on Tar River. The capital stock authorized had to be more than \$30,000 and less than \$100,000. Subscriptions to stock were to be received by E. D. McNair, David Clark, David Barnes, Joel Battle, B. M. Jackson, Theophilus Parker, Peter Evans, and William Plummer. It has been stated that Joel Battle erected an earlier cotton mill at this site in 1818 or 1820. List of Justices, 1812-23, North Carolina Historical Commission MSS.; *Laws of North Carolina*, 1813, ch. 48; *Laws of North Carolina 1828-29*, ch. 65; Turner and Bridgers, *op. cit.*, 344-345; K. F. Battle, *History of the University of North Carolina*, I, 169; *Alumni History of the University of North Carolina*, 39; information furnished by Mr. Thomas H. Battle, Rocky Mount.

is demolished by a fresh.⁵⁵ A Bridge has been lately built at the G. Falls, on the Nash side of the line; & is a specimen of the public spirit of that county.

The tributary streams of Tar river are, on the north side, Deep Creek, Fishing Creek and Swift Creek; & on the South side, Town Cr. Hendrick's Cr. & others of less note.⁵⁶

Deep Cr. is an inconsiderable stream, but has two bridges & a costly establishment of Mills, built & owned by Mr. John Andrews. It falls into Fishing Cr. near its mouth. Fishing Cr. rises in Granville Co. & after passing thro F[ranklin] forms a considerable part of the boundary between Halifax & Edgecomb, & falls into Tar river three miles above Tarbo in a straight direction. An act of assembly was passed a few years ago for opening & making navigable this creek,⁵⁷ which has been partly effected. When water is flush it admits flat bottomed Boats, carrying 100 to 200 barrels as far up as Wyatt's Bridge, which is 25 miles above Tarbo by land. & about 70 by water. It has four Bridges, Wyatt's, Speir's, Coffields & Sessums'. The two first are built & supported at the joint expence of these two counties. Sessums' Br. is about 10 miles above Tarboro, by land.—Contiguous to it is Strabane, the Country seat of Mr. E. D. Macnair,⁵⁸ who keeps a store there & collects a considerable quantity of the various kinds of country produce, which is carried thence down the creek & river to Tarbo or Washington.

Swift Creek is narrow but long. It heads in Franklin, & is there called Sandy Cr. It has two Bridges; & some valuable Mills have lately been erected on it by Mr. E. Lewis⁵⁹ about 12 miles above Tarboro. It falls into Tar river between Teat's Br. & Fishing Cr. It has lately been cleared out up to the mills for the passage of considerable boats.⁶⁰ Near this place is Mount Prospect the seat of Mr. Lewis, who has kept a store here for several years, & is a place of considerable trade.

Town Cr. is not navigable, but is larger than Deep Cr. It has four Bridges across it; and lately a good Saw & Grist mill. It joins Tar river 10 miles below Tarboro. Near this junction there has been a store kept for many years by A. Johnston Esq. who has discontinued the business, & a store is now kept up by Messrs. Stuart & Redmond of Tarbo. The

⁵⁵ It had evidently been rebuilt before Fulton made his survey of the Tar River in 1820. A Journal of the Proceedings of the Board of Commissioners for Internal Improvements, 109.

⁵⁶ These tributaries of the Tar River have the same names today.

⁵⁷ This law, passed in 1784, required the justices of Pitt, Edgecombe, and Halifax to lay off the region within 6 miles of Tar River from the dividing line of Beaufort and Pitt counties to the dividing line of Pitt and Edgecombe and thence as far up the river as the county court of Edgecombe should think proper, and the region within 6 miles of Fishing Creek from its mouth to Wyatt's Bridge, into districts and appoint an overseer in each who should cause all inhabitants liable for public road work to work at the removal of obstructions in the river or creek for at least 6 days per year. The law provided a penalty of £5, or 39 lashes in case of a slave or free negro, for obstructing the navigation of the river or creek. S. R., XXIV, 702-703.

⁵⁸ E. D. McNair was one of the trustees of Tarborough Academy, incorporated in 1813, and postmaster at Sessum's Bridge in 1823. *The North Carolina Register*, 1823, 67; *Laws of North Carolina*, 1813, ch. 48.

⁵⁹ Exum Lewis was a colonel of militia in 1776, and postmaster at Mount Prospect in 1823. C. R., X, 531; *The North Carolina Register*, 1823, 67.

⁶⁰ A law of 1810 provided for the appointment of trustees to open and improve Swift Creek from Exum Lewis' Mill to Tar River. *Laws of North Carolina*, 1810, ch. 21.

Place is called Sparta.⁶¹ A considerable quantity of produce, especially naval stores is taken here.

Hendrick's Cr. is a small stream, but is well supplied with springs, & has for many years supported two mills; one at Tarbo the other a mile above. But that contiguous to Town was some time back destroyed by a flood of rain; since which it has been justly remarked that the town is much more healthy than when the mill was standing. This little creek has one bridge across it.

Contentnea is a pretty considerable creek, & is navigable for small craft as high up as Roundtrees' Bridge, which is 5 or 6 miles above Stanton's Bridge. This Cr. is the boundary between Wayne & Green counties, on the South, & Edgecomb on the North, & falls into Neus river. It has three Bridges; one half of those two mentioned is supported at the expence of this County. a store is kept at each of them, & considerable trade carried on by Messrs. Stanton & Roundtree. 'Swamps' abound in several parts of the County. *Tosnot*⁶² is extensive, lies in the Southern part of the County, & empties into Contentnea 2 or 3 miles below Stanton's Br. It affords good range for stock. a considerable quantity of Pork, Beef & Mutton are annually driven from this neighborhood to Virga. This water course has 3 bridges across it.—Whiteoak swamp runs into Tosnot & has one Br.

Tyan Cokey Swamp⁶³ empties into Town Cr. on the N. Side. It formerly afforded good range for stock, but at present this advantage is inconsiderable, & the land adjacent is generally poor. It has one bridge, near which is a Store, where Naval stores & some other articles of produce are taken. It is called Tradefield.

The Eastern Section of the county abounds in swamps of extreme fertility, and containing generally from 50 to 500 acres. They diverge from Conneto Creek, which falls into Tar river below Penny Hill in Pitt County. Their surface is in many places thickly covered with reeds, which, in warm, dry winters afford excellent food for cattle, & are preferable to cain, as they suffer no permanent injury from the feeding of stock. It is believed that such of these swamps as lie contiguous to the river, of which there are many, might be rendered arable by means of ditches—some difficulties however, would attend, & will perhaps for some years prevent any considerable enterprizes by the proprietors: these swamps are flat, & the river, which is two or 3 miles off is the only place to which the water could be conveyed, & as the soil, tho rich, is sandy, the ditches would soon fill up unless they were lined with wood. Mr. P. who lives among these swamps, says that for 6,000 Dols. a Canal might be made from the Great swamp⁶⁴ to the river, which is the space of about two miles, that wd. render the swamps thus drained, of incalculable value. This Canal, he

⁶¹ The place is now called Old Sparta.

⁶² Toisnot Creek is now in Wilson and Nash counties.

⁶³ Cokey Swamp, listed on old maps as Tyancoka, is now in the southwestern part of Edgecombe County.

⁶⁴ On old maps, a large area between Tar River and Conetoe Creek and extending southward almost to Tar River is noted as "Great Coneghta Pocason."

says, would afford a Mill seat worth a good sum of money. & many of the neighbours, who live on the smaller swamps, might at a small expence, empty their waters into this Canal. These swamps have been resorted to for manure,⁶⁵ which is found very productive. A considerable quantity of Pork is raised here & brought to market. Bees thrive well here; more Honey & wax are brought thence to market than from any other part of the County.

Among these swamps are interspersed a number of 'Islands',⁶⁶ the most of which are inhabited. The soil is light & sandy, but produces very kindly, corn, peas, potatoes, cotton, flax &c. & is much better in dry seasons than wet. The crop of the year 1810 (which was excessively dry) was the best that had been produced here for many years; whereas, on the stiff low lands the crops were greatly injured by the drought.

'Roads' tho sufficiently numerous for the convenience of traveling, are far from being kept in good repair. not one in the county, five miles in length is in such order as the laws prescribe.⁶⁷ It must be attributed to a want of public spirit, or of a more advanced state of civilization. The stigma must rest on the overseers, states attornies & Grand juries: some little exertion has of late been made: but the effect has been only to get a few sign boards & mile posts erected; & in this respect we now excel the adjacent counties.

There are several 'Medicinal springs' in the county. One about three miles from Tarbo is the most noted. The water is flush, transparent, not unpleasant to most palates. Large draughts of it operate by the stomach, bowels, poures or kidneys, but principally the latter. It is thought wholesome as a common drink & has been in pretty general use by a family living near it.

Another medicinal spring, formerly much noted for its healing qualities, is situated in the bottom of Town Creek, & is now covered by a mill lately erected over its site. The water was cold, transparent & active in its operations on the human system. It flowed from an apperture not less than ten feet in depth, below the bed of the Creek, & was accessible only in dry times..

There are not many 'natural Curiosities' to be met with in the county. In the bank of the river many feet above its bed, are discovered quantities of marine substances, shells, of various sorts & sizes; fish bones, sharks teeth &c. In the bed of the river & of Fishing Cr. are found as many as 16 vertebrae, or joints of the back-bone of some fish ten inches in diameter, lying in their proper order. Also pieces of ribs, one of which is about 7 inches in length & weighs 14 ounces. These bones are perfectly petrified. In digging a well near Tarboro was discovered, many feet be-

⁶⁵ The swamp muck or mud was used extensively as fertilizer before the use of commercial fertilizers became general. *The Farmers' Advocate*, II, 21.

⁶⁶ These islands were relatively dry patches of sandy loam within the swamp area.

⁶⁷ The general road law of the State, passed in 1784, authorized the county courts to order the laying out of public roads where necessary and to appoint overseers annually who should summon all male taxables from the age of 16 to 50 years to make and repair the roads. S. R., XXIV, 674-678.

low the surface, a small oak tree, in a horizontal position, perfectly sound. In digging another well when it was expected the water would make its appearance; some bunches of reeds were found in a muddy boggy soil, from whence there never was any good water procured.⁶⁸

4. The county affords a great variety of 'productions' that are immediately conducive to the comfortable subsistence of man, & it is evident penury cannot exist to any extent where there is a surplus of such commodities as are exhibited in the table annexed, which affords a pretty correct view of the average annual amount of the different kinds of surplus produce that are collected or raised in the county & sent out to foreign markets. In the table it will be seen that Naval stores hold a respectable rank as a staple commodity; from which we discover that the pine, which affords one of the most striking marks of sterility of soil, is still entitled to great consideration; more especially when contiguous to rich lands or navigable waters. A large portion of the county abounds with them. They serve for fencing & building better than any other timber, but in addition to these advantages they yield to the laborer a greater profit than our best lands would do by farming. An experienced hand can make from 100 to 120 barrels of Turpentine in a year, including the making of Barrels to hold it; while the expenses of carrying on the work are extremely small. Tar is also made from the old trees that have been lying on the ground long enough to lose the sap. A hand can work to the greatest advantage by making both tar or turpentine during the same year; the former being attended to for the most part in the fall & winter, when from the weakness of the sun's heat the trees will not yield the turpentine. The natives of the county knew but little of these advantages, & would have starved had they been possessed of no other means of subsistence. Emigrants from Virg^a. & the N. Eastern counties of this state settled on these barren lands, & converted the pines into meat, bread & money.⁶⁹

In addition to the foregoing statement it may not be amiss to insert the average annual amount of produce sent out of the County by 75 farmers, which does not pass thro any of the above named markets, viz. 150 bushels Wheat, 1375 Barrels Naval Stores, 418,900 pounds live pork, 15,600 pounds of Beef, 190 head Sheep, 20,000 pounds Bacon, 1170 barrels corn.

Besides these articles for exportation the Town is generally well supplied from the country with fresh beef, Lambs, Pigs, Poultry, Eggs, Butter, Honey, fruits, mellons, roots &c. Some of the house keepers have farms near town, & from thence supply their houses with many of these articles. Flour, & in the winter, firkin Butter are obtained from the waggons that come down from the upper Counties; notwithstanding

⁶⁸ Edgecombe County is located in the alluvial coastal plain region which was once the bed of the sea. In past ages, these objects had been covered by soil brought by the rivers from the peidmont and mountain regions.

⁶⁹ For a description of the turpentine industry in North Carolina, see R. H. Taylor, "Slaveholding in North Carolina: an Economic View," *The James Sprunt Historical Publications*, XVIII, Nos. 1-2, 38-40.

Average annual amount of Surplus collected in, exported from Edgecomb County⁷⁰

	1	2	3	4	5	6	7	8	9	10	11	
21 Stores viz.												
Tarbo.	1	500	150	200	200	500	30	750	5,000	20	5	15
No.	2	250	20	15	800	2,500	8	200	2,000	5		
"	3	200	200	45	500	6,000	60	400	4,000	12	5	
"	4	500	160	400	400	6,000	60	400	12,000	50	25	
"	5	100	150	30	1,300	1,500	50	300	1,500	8	10	
"	6	100	200	75	1,250	400	350	100	1,500	10	100	
"	7	150	200	40	500	6,000	300	100	1,500	4	30	
"	8	200	200	50	1,000	5,000	165	750	5,000	20	6	
"	9	800	800	45	150	1,000	160	600	1,800	15	25	
"	10	300	50	100	960	240	20	50	15,000	40	30	
"	11	200	500	320	200	6,000	500	500	10,000	50	15	
"	12	400	700	80	500	2,000	100	500	10,000	50	10	
"	13	1,400	500	175	1,000	1,500	175	1,000	10,000	75	2	
"	14	100	200		400	250		500				
Country	15	150	1,000	90	300	2,000		500	2,000	50		
	16			20	250	1,000			20,000	30		
	17	200	250	165	300	500	74	2,263	8,000	13		
	18	450	150	30	200	1,500			11,000	26		
	19	25	50	60	100	1,000		800	2,000	10	5	
	20	300	200	300	300	1,000	100	300	12,000	50		
	21		30	92	200	250		250	3,000	18		
		6,325	6,850	2,042	8,210	43,240	1,292	9,413	124,300	556	243	145
												73
												2770
												150
												158
												120
												104
												3,000

⁷⁰ Dr. Battle probably secured these statistics from the records or estimates of the various storekeepers.

every farmer keeps a stock of cattle, & wheat is raised for exportation. There are several bolting mills in the county, but these only serve the convenience of the neighborhoods where they are. But we have as yet, neither learned the advantages of the dairy, nor met with sufficient encouragement in making wheat & flour for market.

5. The inhabitants of the county generally live comfortably; & in proportion to their industry, enjoy the luxuries of life. There are no overgrown 'estates' here; & there are comparatively very few oppressed with poverty.⁷¹ Beggars are unknown among us. Those strollers that occasionally visit us are foreigners, who tell us they had fought in the American service. They generally get enough in this way to procure an intoxicating draught every day. In this hospitable country food is always at their service. The poor here, who are disabled by affliction, are liberally provided for.⁷² Our poor rates amount to about \$1,000 annually*. A good estate in this county may be estimated at about fifty

*This bears no proportion to the five millions sterling that are said to be collected annually in England for charitable purposes, where, notwithstanding they have beggars innumerable, & the children of the poor left without education.⁷³

thousand Dollars.

6. Tarborough⁷⁴ is the only 'Town' in the county. It is handsomely

⁷¹ From the table of annual exports from Edgecombe County, it is clear that a diversified small farm economy was dominant in 1810. Later it became an important cotton county and the seat of a rather highly developed plantation regime.

In 1786, the population of whites and negroes (slaves and free) was 6,007 and 2,473, respectively; in 1790, 7,033 and 3,222; in 1800, 6,410 and 4,011; in 1810, 7,079 and 5,344. With the growth of cotton production and the increase of slave-holding, the figures were: for 1840, 7,915 and 7,793; for 1850, 8,359 and 8,830; and for 1860, 6,879 and 10,497. S. R., XVIII, 433, XXVI, 515-41; *Ninth Census*, I, 52-54.

In 1790, 484 out of 1,260 heads of families in the county owned a total of 3,152 slaves—an average slave holding of 6.5; 381 owned less than 10 slaves each, 75 owned from 10 to 19 each, and 28 owned 20 or more each. The largest slaveholder was Edward Hall, who owned 86 slaves. S. R., XXVI, 515-541. The plantation system developed especially in the second third of the nineteenth century, so that in 1860 there were 5 farms of over 1,000 acres each, 58 of from 500 to 1,000 acres, and 368 of from 100 to 500 acres. 672 slaveholders owned a total of 10,108 slaves—an average slaveholding of 15; 66 owned 1 slave each; 66 owned 2; 47 owned 3; 40 owned 4; 38 owned 5; 47 owned 6; 27 owned 7; 27 owned 8; 23 owned 9; 88 owned 10 and less than 15; 61 owned 15 and less than 20; 55 owned 20 and less than 30; 36 owned 30 and less than 40; 13 owned 40 and less than 50; 17 owned 50 and less than 70; 9 owned 70 and less than 100; 11 owned 100 and less than 200; and 1 owned 200 and less than 300. The chief productions were: cotton, 19,138 bales (nearly twice the yield of any other county in the State); corn, 725,487 bushels; oats, 66,287 bushels; sweet potatoes, 200,014 bushels; peas and beans, 92,758 bushels; and swine, 40,574. *Agriculture of the United States in 1860*, 104-107, 210, 235.

⁷² The law provided that the freemen in each county should elect seven overseers of the poor every three years, who should elect two of their number annually as County Wardens. The overseers were empowered to levy a tax annually for the support of the poor. S. R., XXIV, 89-94, 260.

⁷³ In 1812, the funds collected for poor relief in England amounted to £6,656,105. H. D. Traill, *Social England*, V, 608.

⁷⁴ Since the town of Halifax was in the territory erected into Halifax County in 1758, Edgecombe was left without a town as trading center. In 1760, James Moir, Lawrence Tool, Aquilla Sugg, Elisha Battle, and Benjamin Hart purchased from Joseph Howell 150 acres of land on the south side of Tar River, laid it off into half-acre lots, streets, and commons, received subscriptions for the lots, and secured from the General Assembly an act incorporating this plat of land as the town of Tarboro, with themselves as directors and trustees for designing, building, and governing the town. Each purchaser of a lot was required by law to build a frame house thereon at least 16 feet square and 10 feet high, with brick or stone chimney, within 3 years. S. R., XXV, 451-453.

In 1764, the county seat was changed from Redman's Old Field on Tyonococa to Tarboro, and Aquilla Sugg, William Haywood, Joseph Howell, Sherwood Haywood, and James Hall were directed to contract for the building of a court house, clerk's office, prison and stocks in Tarboro on lots set apart for the purpose by the town commissioners. Other acts were passed from time to time for the regulation of the town. S. R., XXIII, 548, 641, 736, 792, XXIV, 176, 740-742, 853-855, XXV, 483-484, 495; Turner and Bridgers, *op. cit.*, 35-40, 64-67.

The Council of State met at Tarboro in 1779, and the General Assembly in 1785 and 1787. *North Carolina Manual*, 1913, 456; S. R., XVII, 139-143, XX, 119, XXII, 938.

situated on the S. W. bank of Tar river, just above the mouth of Hendricks Creek, in latitude 35° 45'. It is 48 miles west by N. from Washington, 36 S. of Halifax, 83 N. W. of Newbern, & 68 E. of Raleigh. It was laid off into lots in the year 1760. The streets are 72 feet wide, & cross each other at right angles; leaving squares of two acres each. These squares being divided into half acre lots, makes every lot front or face two streets. There are about 50 private houses in it, & generally from 15 to 20 stores; a church, goal, Tobacco ware house, & a large court house, which in the year 1785 was used for the sitting of the State Legislature. There are several good springs adjacent to the town, but for culinary uses almost every family has a well; & some of these wells afford good water the greatest part of the year. This place affords good encouragement to all industrious persons, particularly mechanics, of almost any description. 60 or 70 mechanics have had full employ here at one time. But such of them as have migrated to this place have too soon found themselves in prosperous situations, & have betaken themselves to idleness & dissipation.

Merchants generally do well here; & there has scarcely been an instance of failure in the place. There are a few well built private houses, some of which have lately been finished. The 'styles of building' is as it is in the country, generally plain & cheap. The Goal & one of the store houses is of Brick.

Adjacent to the Town is the country seat of Gen^l. T. Blount,⁷⁵ where he has lately built a very good house, the best that is in the county. This is a beautiful eminence, overlooking the town. An extensive grove surrounds the houses; back of which is a tract of 20 or 30 acres of rich swamp, well ditched & drained; & is in a high state of cultivation.

7. 'Agriculture,' with us is still in its rude state. Lands are too cheap & plenty for farmers to be induced to quit their accustomed plans, for the purpose of making the most of a given spot.⁷⁶ The productions, however, will show that the people are neither very indolent nor entirely ignorant of the advantages of farming. The usual plan appears to be to clear, & put into cultivation as large an extent of ground as practicable; and to exhaust it as fast as a series of grain crops can do it. A few years of this mode of culture renders it necessary to give it rest every

⁷⁵ Thomas Blount, son of Jacob Blount, was born in Edgecombe County, May 10, 1759. He enlisted in the revolutionary army at the age of 16, and rose in military affairs to the rank of major general of militia. In 1785, he was appointed a commissioner of the town of Tarboro. He was a member of the Convention of 1789; the House of Commons, 1789, 1792; the state Senate, 1799; and the House of Representatives of the United States Congress, 1793-1799, 1805-1809, and from 1811 until his death in Washington, February 7, 1812. In 1790, he was the owner of 27 slaves. He was a trustee of the University of North Carolina, 1792-1812. *North Carolina Manual*, 1913, 599, 600, 878, 913, 914, 917, 919; *S. R.*, XIV, 642, 645, XVIII, 575, 598, 599, XX, 402, XXII, 938, XXIV, 740, XXVI, 516; K. P. Battle, *History of the University of North Carolina*, I, 821; *The National Cyclopaedia of American Biography*, II, 185; *A Biographical Congressional Directory*, 483.

⁷⁶ Wherever there is an abundance of natural resources and a scarcity of labor (a condition typical of the American frontier), rapid exploitation and not conservation of the resources is the practice. The abundant, cheap land of the Southern frontier was exhausted no more quickly or completely than the abundant, cheap timber resources of the Northern and Western frontiers.

other year; at which times it is either sowed in small grain or abandoned to the weeds. It is at length entirely worn out, while other ground is cleared to supply its place. Manuring, & other modes of improvement cannot well enter into our method of tillage; the whole time being spent in extending the space of cultivation. But it must be acknowledged that this mode of farming is very well understood here, & is carried on with considerable energy. A man & horse can with ease tend sixty thousand corn hills, ploughing six thousand a day the crop thro; & where the land is tolerably good it will produce from ten to 12½ bushels per thousand; besides peas, fodder &c. But much of the success depends on judicious ploughing. Perhaps the farmers best judgement would be necessary to enable him to determine how far to abandon this loose mode of culture for the purpose of manuring &c. as manuring is not well understood here the fear of ill success prevents many from undertaking it. There have however, been some small attempts, & it is hoped the success will induce a continuance.⁷⁷ Altho large quantities of Grain are produced, which together with the pork that is raised by it form a principal part of our staple commodities; yet we lose much by being illy supplied with food for cattle, the tops & shoucks of the corn being insufficient to feed the numbers usually kept. They are therefore suffered to glean the fields of every vestige of the crop that might, if retained, tend to retard the exhaustion of the land. Indeed the cattle that are raised are considered as a clear gain, being kept alive during winter on that which would otherwise be deemed of little or no value. In the spring they are turned into the woods, where many of them in the course of the summer become good beef, and those which do not may be rendered so at a cheap rate by turning them into a corn field, where there are plenty of peas & grass, a few weeks before frost. This is a very effectual method of fattening them, & they will do the corn no injury. But the most approved methods of rearing, & obtaining the benefits of domestic animals cannot well be incorporated with our system of cropping; the time & attention that should be devoted to them being considered as a serious drawback to the cornfield. By giving more attention to the procuring of summer and winter food, & to the best methods of distributing it, the comforts of the farmer would be greatly increased, & ample means thereby afforded for renovating the exhausted lands. But these & other means of improvement that might be mentioned will be reserved for a more systematic era in agriculture. There are but few in the county who undertake to raise clover, & those who do have of late experienced great evil from its salivating property; this is the case with both the red & white; the worst

⁷⁷ After 1840, Edgecombe achieved a wide reputation as a progressive, scientific, farming centre. Rotation of crops and manuring with leaves, mould, cattle droppings or swamp mud formed into a compost with lime, marl, or ashes were practiced widely with remarkable increases in the yield. Edgecombe farmers contributed frequently to farm periodicals. *The Farmers' Advocate*, II, 21; *The Farmers' Journal*, I, 52-55, 65-70, 81-82, 99-101, 101-102, 220, 310, II, 1-4, 73-75, 181-183, 210-211, 306-309; Turner and Bridgers, *op. cit.*, 326-336.

is the white, in pasture grounds that have not been ploughed up for many years.*

*Meadows are not at all in use with us. Mr. H. a gentleman of considerable experience observes that the cultivation of foreign grass would not be very profitable here. The swamps, tho rich are many of them mixed with sand & gravel, & produces *native grass* & weeds so luxuriously, as would certainly in a year or two perfectly stifle the foreign grass, if it did not at its first coming up. Another disadvantage is that the swamps are so flat as not to admit of complete draining; so that if great gluts of rain should happen to fall when the seeds are first put into the ground, or even after the grass is of some height it would certainly be destroyed. In fact, there is but little need of meadows of foreign grass; for if the farmers would but prepare their swamps as if for these grasses, & let it remain, it would produce an abundant crop of crop-grass (vulgarly called here Crab-Grass,) very little, if any, inferior to Timothy.—Even if they would be at the trouble of preparing, some time in summer, a tolerable piece of ground, by once or twice plowing & levelling with a harrow, it would certainly produce as considerable a quantity, & as rich Hay as most kinds of foreign grass.

Very little attention has hitherto been paid to the particular breeds of any of the domestic animals except horses. They have for many years been in a state of tolerable improvement, & are still progressing towards greater perfection. Some of the best running horses on the continent have been bred in this county. There had, however, never been any imported horses here until H. Cotten Esq. whose zeal for the improvement of these valuable animals prompted him to introduce several of the best imported horses among us. With some of our farmers oxen & mules have in some degree superceded the use of horses, & are found to answer the purposes at a cheaper rate. The former are used principally for the draught, the latter for the plow. In the adjacent counties mules are used for the waggon, & draw very well, but there are no waggons in this county. It has been represented as a matter of astonishment that we have so degenerate a race of sheep; few farmers having a sufficiency of wool to supply their families. It would seem that they are most difficult of all the domestic animals to raise. Our home manufactures are carried on to considerable extent, but would be much greater if plenty of wool could be obtained, for want of which large quantities of woollen cloths are imported for servants, altho homespun is entitled to a preference in consequence of its greater durability. Notwithstanding the scarcity & meagreness of our sheep in general, there are some among them that would yield 4 or 5 pounds of wool at a shearing.⁷⁸ Many of the best flocks in the county are found running at large in the piny woods all the year.

Our breeds of hogs have attracted more attention than cattle or sheep; pork being a more certain money article, the farmer's interest necessarily leads him to greater exertion in its production. considerable pains have

⁷⁸ The yield of wool varies with the breed of sheep and the locality. It varies from 3 to 12 pounds per sheep, averaging perhaps 5 to 8 pounds. *The Americana*, XXIX, 501.

been taken to bring these animals to greater perfection; but there are numerous instances of great deficiency: & it seems difficult to prevent degeneracy where they are doomed to toil a considerable part of the year, in the woods for a precarious subsistence.* The greatest advantages in

*The Pork raisers are in a habit of depending greatly on the productions of the forest for the sustenance of their hogs, those on which they subsist & sometimes grow fat are from the different species of oak, pine, Beach, Chinquapin, ground whortle berry &c.—This method of rearing Hogs partakes of the manner of the first settlers, who found very little trouble or expense necessary to be bestowed on them. But our forests are now, almost destitute of their former means of subsistence. These remarks are equally applicable to the manner of rearing cattle.

raising pork is with those who live remote from market & from navigation; & it is an article that never fails to command cash when carried on the foot to the Virg^a. markets. The farmers who live on Tosnot & Contentnea give great attention to this & other kinds of stock, as being their entire source of wealth. They are an industrious & economical people.

8. The 'Manufactories' are only such as serve our domestic purposes, & consist of the following,⁷⁹ Viz. Looms 933 in number; in which are woven annually about 150,000 yards of different kinds of cloth. which at an average price of 40 Cents per yard is worth \$60,000.—159 Distilleries, in which are annually distilled 39,000 Gallons peach & apple brandy worth at 75 cents pr. Gallon—\$29,250,—439 Tanneries, in which are tanned annually 1,964 Hides, worth at \$4 each \$7,856.—Mechanics—31 Blacksmiths shops, 4 Hatters shops, 2 Cabinet shops, 6 Saddlers shops of these there is only one, of the latter, kept up throughout the year; in this there is work done to the annual amount \$4,000. 3 Carriage shops; only one of which is regularly kept up; in which there is work done annually to the amount of \$4,500.—3 Shoemakers' shops; one of which sells work to the amount of—\$2,000.—Besides these there are others of less note; such as Turners, Coopers, Wheelwrights &c.

Labor saving machines.—There are 29 cotton machines,⁸⁰ working 508 Saws; some of which go by horses, some by hand & some by water.

There are also a few cornshelling Machines in the county, & some Wheat Fans; the latter are in considerable demand, & can be hired for a Dollar per day.

(There has lately been erected at Tarboro a Turpentine Distillery. 2 stills are employed; each working from 15 to 20 Barrels.)

As wheat is now raised in greater abundance, than ever in this county before, it would be a great acquisition to have Thrashing Machines constructed, as in other parts.*

*I cannot help recommending to my fellow citizens, the use of an Instrument which has been in use for ages in Italy, & after proper experiments has been approved

⁷⁹ Some of the statistics given here are found in the "Report of Manufactures Within the State of North Carolina," by Beverly Daniel, Marshal for the district of North Carolina, January, 1, 1811, published in the *Star*, February 21, 1811. Daniel's assistant in Edgecombe was Isaac Norfleet.

⁸⁰ Cotton gins.

by an Agricultural Society in France.—The machine consists of a round piece of hard wood, about 4 feet in length, & one foot in diameter, on which are fastened with wooden pins, eight pieces of timber, of the same length, & about 4 inches square, so as to make a roller, resembling in some measure a piece of deeply fluted column. Exactly in the central point of each end of this roller, are strong iron pins driven in about one foot (they may also be made fast with a cross, sunk deep into the ends.) These serve for the axis on which are fixed a pair of shafts. Or to render the *draught* easier, a frame may be made, the two sides of which are bent upwards, & a single-tree fastened to the fore tail, by which means the line of draught is raised so as to be nearly horizontal.

To use this Instrument lay the sheaves on the threshing ground, loosen & spread them in a spiral form (perhaps as if to be trodden by horses, but probably not so erect.) The roller is drawn by one horse, beginning at the outermost edge & continuing till you get to the centre, & then in the same direction to the outer edge again, & thence round till you get again to the centre, & so on till the straw ought to be turned over; but that does not require much precaution; then the machine is moved round again until the whole is sufficiently threshed.

According to the report made to the above mentioned Society a single horse can thresh perfectly well to the amount of 120 bushels (10 setiers⁸¹) in a day, working only five hours. Six persons are sufficient to spread, turn over & carry away the straw, &c. The Straw is better cleared of the grain than when threshed with a common flail. The effect of the instrument on the straw is to squeeze, flatten, & smooth it, so that it is thereby rendered better food for cattle.

This instrument may be used for threshing wheat, oats, pease &c. & may be adapted to the threshing of rice, & for separating Indian corn from the cob.

9. The 'Commerce' of this place is carried on to great disadvantage. The navigation is precarious, as there is usually a considerable part of the year that the water is too low for boats to have an easy passage from Tarboro to Washington. Tarborough is the principal market for this & some of the adjacent counties, & altho considerable quantities of pork & Tobo are taken here, there would be much more were there any opulent Merchants who could advance the cash for the whole of these articles. The Bank⁸² which is about to be established here will aid the Merchants greatly in this respect. The farmers pay off their debts contracted with the merchants, with their different kinds of produce, & receive cash for the over-plus, or barter for such other articles of merchandise as they need. This produce is carried down the river to Washington in long, flat-bottomed boats, carrying from 200 to 400 Barrels; & drawing from two to three feet water. a part of this produce is bartered in Washington for West India Goods; but the greater part is shipped to the northern Markets, principally to Norfolk, Baltimore & New York, where it is sold for cash

⁸¹ An old French measure of capacity.

⁸² A branch of the State Bank of North Carolina was soon established in Tarboro. In 1823, Edmund McNair was president and P. P. Lawrence cashier. *The North Carolina Register*, 1823, 82; Turner and Bridgers, *op. cit.*, 345.

or bills, by which means the merchants here are enabled to make remittances to Philadelphia, Baltimore & N. York, from whence they receive their dry goods.

10. The 'Net Fishing' at the falls has been already mentioned. Angling is folloed principally as an amusement. The fish that are taken in this way are chubs, perch &c. including, in the spring a few Rockfish about a dozen seins are employed in the county; in which are caught some shad & sturgeon, but scarcely enough to serve the owners of the seins. Formerly many more were taken, both by the seins & nets. This defection is attributable to the great number of seins employed below us.

'Game' is not so considerable an object here now as formerly; not only in consequence of a greater scarcity, but because the people are more disposed to pursue their domestic occupations. 50 years ago, we are told, deer were abundant. It was not uncommon to see 20 or upwards at a time. Their skins afforded considerable traffic here. At present they are rarely met with; & the pursuit of them too precarious to excite any great interest. Those who are fond of the chase prefer to hunt Foxes, of which we have many. They subsist on partridges, Hares, & even on our pigs, Lambs & poultry; which circumstance renders the hunting them an object of policy as well as amusement. Our Hounds, in packs, consisting of ten or 15 in number, pursue them with great sagacity & eagerness; while the huntsment perform incredible feats, on horseback, in the pursuit, thro our thick forests.

In the swamps there are a few Bears & wild-cats. Beavers have for many years been extinct. Musk rats & Otters have become scarce. Racons, Minks & Hares seem to be the principle dependence for furs. Formerly wild turkies were in great plenty & were taken by various stratagems, but in these times we rarely see one of them, those that remain being extremely wild. We have ducks of several kinds, & in considerable numbers. Also a great variety of other birds.*

*We are visited occasionally by flocks of wild pigeons, tho seldom in large numbers. In the year 1807 vast numbers of these birds made their appearance in the autumn, more than had been witness'd for 20 years.⁸³ They fed on the acorns & whatever they could find in the fields. They were tho't by some to have been driven here by famine, or a scarcity of their usual food. Some old people said the circumstance portended much sickness in the country. About the 20th of September the Influenza made its appearance: for a while it was sporadic; but it soon became epidemic & universal as far as we could obtain information.

About this time also was discovered a new kind of caterpillar, of a Green colour; & fed on the blades of green corn. In some places they were so numerous as to devour first the corn blades & then the grass in the fields. They also fed on the fodder that was dry & stacked.

11. The first settlers in this county lived in a 'state of society' not far better than that of the Indians. If we may divide the stages of So-

⁸³ In colonial days, flocks of wild pigeons so numerous as to darken the sky were not uncommon at certain seasons. They were shot, caught with nets, and beaten off the roosts at night by the poor, who enjoyed the sport as well as the food obtained thereby. Edward Eggleston, "Social Life in the Colonies," *Century Magazine*, XXX, 396.

ciety into the *savage*, the *barbarous* & *civilized*, we might place them in the second class. So late as 50 years ago there were only a few neighborhoods, on the water courses, that enjoyed the blessings of social life. Plantations were few & small; & men would go seven or 8 miles to assist each other in heaping logs. These log heapings were viewed as mere frolics; where the robust & athletic could meet together & show their manhood. This labour was then performed without the assistance of negroes. As perfect a state of equality as can well be imagined pervaded the community. Almost the only distinctions known or sought after, consisted in corporeal exertion. This circumstance led to many a fight between men who had no enmity towards each other. Some champions would travel many miles to meet with a combatant who had been celebrated as a fighter. Their mode of warfare was called fist & skull; but was too frequently accompanied with biting & gouging;⁸⁴ & we are still reproached by foreigners, for retaining as they erroneously suppose, this barbarous practice.

As to the 'progress of civilization' little can be said here. Knowledge is certainly more abundant than formerly. Learning, morality & religion are more encouraged, or at least viewed with more complacency. The peaceful, social & humane virtues, it is believed have more than kept pace with the growth of Population. A thirst for knowledge was never great here. The people are neither aspiring, restless, nor basely servile. They are generally satisfied with their political situations, & seldom trouble their minds with politics. There are not more than about 108 Newspapers taken weekly in the county, altho learning is not very generally diffused, yet since the establishment of the university⁸⁵ in this state there are more who possess liberal education now than at any former period.⁸⁶

There is a certain suavity of manners employed in many places by Candidates for popular favor, very little studied or desired here, till within a few years past. It consists in a peculiar shake of the hand, called by our farmers the electioneering shake—in purchasing brandy & drinking with the people—persuading them to get drunk, whereby they may lose sight of the objects of an Election—flattering & gulling the people, with empty professions of extraordinary devotion to their interests. &c. These means, when artfully employed generally answer the desired end. 20 years ago the practice was unknown in Edgecombe, & was considered as

⁸⁴ In frontier fights, the contestant sometimes bit the finger, ear, or nose and with the thumb pushed or gouged out an eye of the opponent. Travelers noted the number of one-eyed and one-eared men in America. An interesting account of a frontier fight may be found in [A. B. Longstreet], *Georgia Scenes*, 53-65.

⁸⁵ The University of North Carolina was anticipated by a provision in the Constitution of 1776 that "all useful learning shall be duly encouraged and promoted in one or more universities." The General Assembly chartered the institution in 1789; the cornerstone of the first building was laid on October 12, 1793; and the institution was opened, January 15, 1795. K. P. Battle, *History of the University of North Carolina*, 1, 2, 6, 34, 61.

⁸⁶ Francis Little Dancy appears to have been the only graduate of the University from Edgecombe County prior to the date of Battle's account of Edgecombe. Others attending but not graduating were: Adam Haywood, Lawrence Toole, David Evans, Jeremiah Battle, Joel Battle, and James Smith Battle. K. P. Battle, *op. cit.*, I, 72-73, 76, 168-169, 181, 787-788.

the reproach of some of our neighbouring counties. It has, since those days been introduced as a refinement—but at the first attempts at this innovation it was viewed as an indication of distrust to the sober judgments of the people.—But so fascinating was this liquor that its use on these occasions became fashionable & popular among all classes; and a liberal distribution of it became necessary to a man's election.⁸⁷ But to the credit of the candidates of 1812 they have met in Caucus & agreed to renounce this expensive & dangerous mode of Electioneering.

12. There are 17 Country 'Shools' in the county, at which are about 400 scholars: nothing more is attempted to be taught in them than the elements of reading, writing & arithmetic; & but few of the teachers are qualified to do justice to these. Notwithstanding this apparently infant state of literature, we may easily discover that it is progressing; for, 50 years ago, there was not more than one or two schools in the limits of the whole county. For want of an Academy in this county several have sent to those in the adjacent ones: viz. at Westrayville⁸⁸ & Vine Hill.⁸⁹ It is in contemplation to establish an Academy at Mount Prospect in this county.⁹⁰ & we cannot account for the delay otherwise than from the gen-

⁸⁷ This method of electioneering seems to have been both an agency and a by-product of the political movement of Jeffersonian Democracy, which triumphed in the United States in 1800. To get out a large vote was essential to victory, and the dispensing of drinks by the candidates proved effective. The practice brought forth numerous though ineffective protests. A petition of the Flat River Association (Baptist) at Mt. Carmel, Orange County, to the legislature of 1817, for a law prohibiting the practice of "treating" with drinks and holding militia musters during the month before election sets forth "that your petitioners have viewed with much regret a prevailing custom that has obtained for some years past, and is still abounding in most of the counties where we are acquainted to wit, that of treating with ardent spirits for several weeks preceding the election for members of the Assembly, which practice appears calculated to encourage vice, and of consequence to corrupt the morals of the people of our state, and militia officers, as if designedly to make way for such pernicious practices, do arrange their musters in the several districts, so that candidates may attend to treat and harangue the people, the consequence of which is (too often) drunkenness, quarreling and other acts of immorality, greatly to the subversion of Religion and good order." Legislative Papers, 1817, North Carolina Historical Commission MSS.

⁸⁸ Westrayville Academy was opened in Nash County, January 1, 1810, under the superintendence of John Bobbitt, a graduate of the University in 1809. It was in a two-story building erected for the purpose by Samuel Westray on the Tarboro-Louisburg road, five miles from the Nash County Court House. Courses were offered in English, Latin, Greek, and French. C. L. Coon, *North Carolina Schools and Academies, 1790-1840: A Documentary History*, 263-264; K. P. Battle, *op. cit.*, I, 184.

⁸⁹ Vine Hill Academy in Halifax County offered courses in science and languages, preparatory for college entrance. In 1811, Daniel Adams of Connecticut was secured as principal, and a Mr. Hawkins had charge of the English department. The price of board was \$50 per year, and the tuition rates were \$12 for reading, writing, and arithmetic, \$15 for grammar, and \$25 each for geography and the languages. The academy prospered until in 1837 it had a male and a female department and offered a wide range of courses. C. L. Coon, *op. cit.*, 175-177.

⁹⁰ In 1812, Exum Lewis of Mount Prospect advertised for a man to teach English, writing, and arithmetic, giving assurance that "should any person undertake a school at this place calculated to please, he may expect on a birth for several years." C. L. Coon, *op. cit.*, 806. Turner and Bridgers (pp. 364-365) state that "in 1820 Mount Prospect was erected by Exum Lewis on his plantation about seven miles from Tarboro. This was a mixed school of importance. The early teachers were James C. Cary, George Pendleton, both of Virginia, Philip Wiley, an Episcopal minister, Eugene Casey, of Ireland, Alexander Bellamy, of Florida, and Frederick Philips, grandfather of the late Judge Philips."

In 1793, John Leigh, Ethelred Philips, Amos Johnson, Edward Hall, Jacob Battle, John Ingles, and Blake Baker were designated as trustees of the Academy of Tarborough, though nothing further is known of this school. *Laws of North Carolina*, 1793, ch. 43. In 1813, F. L. Dancy, E. D. McNair, Jeremiah Battle, Robert Joyner, Bennett Barrow, J. W. Clark, Joel Battle, James Southerland, H. A. Donaldson, Peter Evans, and Carey Whitaker were appointed trustees of the Tarborough Academy. *Laws of North Carolina*, 1813, ch. 48. A building was erected and the institution opened its doors, January 1, 1815. Robert Hall, a graduate of the University who had taught in the Raleigh Academy, was in charge. Later teachers were Mr. Griswold, Eugene Farnan, Moses Hamilton, Miss Anna Maria Ragsdale, and James I. Sanford. There was a male and a female department. In the female department in 1826, courses were offered in chemistry, astronomy, natural philosophy, rhetoric, history, needle work, music, and painting on paper and velvet. From 1815 to 1826, the average enrollment was from 60 to 80 students per year. Board was obtainable in private homes for \$7 per month. The academy evidently lapsed, for in 1847 a legislative act revived the act of 1813 and appointed new trustees. *Laws of North Carolina*, 1846-47, ch. 114; C. L. Coon, *op. cit.*, 77-79, Turner and Bridgers, *op. cit.*, 360-365.

eral indifference with which learning is still viewed.*

*It is to be apprehended that in this country general knowledge will never characterize many of its citizens as long as the dead languages are viewed as the basis of a liberal education.

This county has never been prolific in 'men of talents' or they have been obscured for want of opportunities of education. Among the most distinguished characters it has afforded was Jonas Johnston,⁹¹ whose name & character have already been mentioned. Had he received an education corresponding with his natural talents, he might have done credit to any Country.

Thomas Hall⁹² was a man who possessed considerable natural talents, with the advantages of a grammatical education. He was quite conversant with the Latin Classics, which he made the most of. He represented our County in the State convention, but never offered again for any public office. He was a Lawyer of some eminence, & would have made a Shining Character at the bar had he not been almost led away from his professional studies by a strong poetical genius. He, however, continued to practise as long as he lived, & had a considerable share of business in the courts where he practised. But his mind seemed more frequently engaged in poetry than the law, & there have been frequent instances, that while his opponent was speaking in a cause in which he was employed, that he was engaged in writing satirical verses. His favorite subject was satire; but he wrote with equal facility on other subjects. He also possessed & indulged in a most biting and ready wit, was never at a loss for repartee: but like most other wits, he generally made fewer friends than enemies. Some few of his pieces are yet in the hands of his friends; but the bulk of them, which would have been sufficient to form a handsome volume, are now lost to the world.

We have but few men of Literary talents in the county; the means of education having heretofore been much circumscribed; we have more now however than at any former period; & we have never been destitute of men in whom we could confide our interest. Before the establishment of our University no children were sent out of the county to any College or Academy.

13. At present there is only one 'professional Law character' in the county, and he a native of the county,⁹³ but there are more Physicians than any former period;⁹⁴ who cannot boast, however, of great erudition. Quacks are abundant, & are privileged to boast.

⁹¹ *Supra*, note 36.

⁹² Thomas Harminson Hall represented Edgecombe in the Provincial Congress of August, 1775. *North Carolina Manual*, 1913, 398; *C. R.*, X, 165, 167, 173.

⁹³ In 1823, there were two resident lawyers in the county, Francis L. Dancy and Joseph R. Lloyd. The one native lawyer at the time Battle wrote his sketch was probably Francis L. Dancy, who graduated at the University in 1801. *The North Carolina Register*, 1823, 46; K. F. Battle, *op. cit.*, I, 165.

⁹⁴ In 1823, the resident physicians in Edgecombe were: Thos. H. Hall, John F. Ward, B. B. Hunter, David Dancy, Benj. Boykin, Henry Brownrigg, Richard Bell, William H. Shollington, and James Phillips. When Jeremiah Battle wrote his sketch, he was perhaps the leading physician in the county. *The North Carolina Register*, 1823, 56.

14. It is believed that about two thirds of the people generally 'can read'; & one half of the males 'write' their names: but not more than one third of the women can write. The girls now at school are learning, & are very desirous to write; it is deemed a more important accomplishment in that sex, among the common people now than formerly.

The progress of learning for '25 years back' has been slow, & perhaps has not more than kept pace with the population, till within these two or 3 years. The people now manifest some disposition to diffuse learning; perhaps from their finding the means of obtaining it more accessible now than heretofore.

15. The custom at the public schools, & in some towns, among those who are desirous of 'Intellectual improvement,' has found its way here. 'Societies' have been formed, & kept up with a tolerable degree of spirit, greatly to the benefit of the members thereof, both in talents & morals.*

*Novelty is a great matter here. We are generally ready to encourage any new institution that promises beauty or utility, but when it becomes familiar we grow indifferent. Three or 4 years ago a subscription was set on foot for establishing a free School for the education of poor children in the county—two or three hundred Dollars were soon subscribed. A few children recd. the benefits of this subscription (for it never became an institution.) But as the matter never got in to proper hands it soon languished & died.

But unhappily for want of sufficient interest in literary pursuits, & perhaps, for want of a more permanent residence of many who compose these Societies, they have generally languished in a few months, & are with difficulty sustained. Some attempts have been made to procure 'Libraries', but this for some of the above reasons, was never effected, except by a Society that was in existence about 15 years ago.⁹⁵ On the dissolution of that body the Books were scattered abroad, or divided among those who contributed to the establishment.*

*The Agricultural Society has appropriated a sum of money to procure an Agricultural Library—Some donations are made of Books for this purpose.

16. On the 4th day of July 1810 proposals were made for the establishment of a Society for the promotion of 'Agriculture & the Arts.' The plan has succeeded, so far as to go into operation. It has now upwards of 30 respectable members, whose public spirit is thus manifested, greatly to their credit, & it is hoped to the benefit of the county. The society convene on the second day of every court of quarter sessions in the county; adjourning from day to day as they see fit.

17. The only 'Religious denominations' in the county are the Methodists & Baptists. The former are not numerous, but they have several places of worship in the county, and frequently hold meetings in Town. The 'number of their communicants' is not ascertained.

⁹⁵ Turner and Bridgers state (page 360) that a library was established in 1800, but was soon scattered.

The Baptists had eight meeting houses—in the year 1810, and about 520 communicants—since which there have been about 250 added, & another meeting house is building, near the place called Shell-Banks,⁹⁶ & is to bear this name. Under this head the following Biographical sketch is added, as a tribute to the memory of a deceased ancestor.

Elisha Battle was born in Nansemond County Virginia, the 9th of January 1723-4. In the year 1748 he moved to Tar river Edgecomb Co. N. C. About the year 1764, he joined the Baptist Church at the Falls of T. R. & continued in full fellowship until his death. He was chosen Deacon of the Church, & served in that office about 28 years. He usually attended the associations; at which he sometimes acted as moderator, & was well suited to that office. It is well known he was a remarkably pious, zealous member of Society, & was always plain & candid in censuring & reproving vice or folly in all their shapes. He was also very useful as a statesman: About the year 1756 he was made justice of the peace. In 1771. he was elected to represent the county in the general assembly; & he continued to serve the county in that capacity about 20 years successively; until he declined offering himself as a candidate. He was in almost all the state conventions; & was a member at the formation of the state Constitution. He was also a member of the Convention held for the deliberation of the Federal Constitution; & when that body formed itself into a committee of the whole House he was appointed Chairman. At length the infirmities of age rendered it necessary to resign public life, to which he had devoted himself more from a sense of duty than inclination. About the beginning of the year 1799 he found the powers of life fast exhausting; & he soon became so feeble (without any apparent disease) that he was no longer able to help himself. From this state of departing life he seemed to have no desire to recover, nor appeared to have the least doubt of future felicity. He departed this life the 6th of March 1799, being the 76th year of his age.⁹⁷

18. We have been providentially favored with respect to 'Fires' except in a few instances, which have been mostly in the country, several dwelling houses might be enumerated that have been consumed; & a valuable Barn with its contents, was lost a few years ago by fire from Lightning.

We have occasionally been visited by 'Storms'—The county suffered much by one which took place on the 7th Sep^r. 1769. It destroyed crops, Mast-trees, Mills &c. Five years afterwards was another, which was not so destructive here, but did great damage on sea. The August Gust as it was called, which was in the year 1796, destroyed many Mills & Bridges. Crops were also much injured, but the trees were not greatly hurt. In April 1798 a Tornado passed thro the county, & thro Tarboro, which lev-

⁹⁶ Shell-banks was the seat of Joel Battle on the Tar River, twelve miles above Tarboro.

⁹⁷ Elisha Battle (1723-1799) was a member of the House of Commons, 1773-1774, 1775; the Provincial Congresses of April, 1776 and November, 1776; the state Senate, 1777, 1778, 1779, 1780, 1781, 1783, 1784, 1785, 1786, 1787; and the Convention of 1788. In 1760, he was designated as one of the directors and trustees of Tarboro. In 1790, he was the owner of 22 slaves. *C. R.*, V, 1183; *S. R.*, XVIII, iv-v, XXII, 13, XXIII, 993, XXVI, 515; S. A. Ashe, *Biographical History of North Carolina*, V, 7-11; *North Carolina Manual*, 1913, 364, 398, 599, 878.

elled trees & houses as it passed. In Tarboro several houses & chimnies were blown down. Posts were dislodged & blown many yards from their places. About six years ago, on 22nd. August was a storm, which was very destructive to crops & trees in many places.

19. 'Amusements' here are not pursued to any great extent. Hunting & Fishing have already been mentioned. In these there has, sometimes been great emulation excited. Two parties of equal numbers contend against each other for the greatest quantity of Fish, Squirrels or other game. A Dinner of Barbacue &c is provided, to be eaten by the two parties conjointly, but to be paid for by the unsuccessful party. Shooting matches are somewhat in vogue; which tend to increase the skill in gunning, of those who engage in it. Course-racing is carried on here in a small way, & it may be said purely for the Amusement; as very little time is spent in preparing the horses, & very little money adventured. . . . Quarter-racing is carried on with more spirit & is viewed as a hazardous species of Merchandise; where the profit or loss exceeds all proportion to the capital employed. It is not uncommon for these races to be made for a Thousand Dollars, by men in moderate circumstances.⁹⁸ We have no 'sporting clubs.'

Card playing is an amusement confined to a few; & they are not much disposed to make the winning & losing any great object. Gambling under the name of amusement has nearly ceased. The Ladies have never been known to play here for money. Balls, & family Tea parties afford the principal amusements in which the ladies participate, & these are not so common as formerly.

20. The "Diseases" of a country generally correspond with the manners & customs of the people; varying occasionally from local circumstances. Thus we can find no great difficulty in believing that the diseases here have undergone, & are still undergoing considerable changes. During the early stages of Society, the food, clothing, houses, exercises &c. were extremely simple, but well calculated to give strength & vigour to the constitutions. The diseases partook of the simplicity of their lives. The Ague of fever,⁹⁹ with distinct intermissions, was the principal autumnal disease; & this was generally looked for; but was not regarded as a serious evil, as the fits were short, & the intermissions a perfect state of health. Inflammatory diseases were also common at certain seasons, particularly the pleurisy, which was generally violent, & seldom failed carrying off the sufferer, unless timely aid was given. The "remedies" of these diseases were also simple, but often efficacious; for the former a dose of Indian Physic (of which there are several sorts in our woods) generally succeeded: and in

⁹⁸ Course-racing consisted of a formal race over a set course. The ordinary circular course was one mile in length and was traversed four times in each heat. Where two four-mile heats out of three were needed to win the race, endurance was the prime requisite. Quarter-racing consisted of a quarter-mile race by two horses along parallel paths. Speed was the prime requisite. Quarter-racing was much esteemed in North Carolina and Virginia. Edward Eggleston, "Social Life in the Colonies," *Century Magazine*, XXX, 397.

⁹⁹ A fever of malarial character, attended by regular paroxysms of chill, fever, and sweating.

the latter a copious bleeding or two generally turned the scale in favor of life. Other diseases, to which they were subject were chiefly accidental; & the remedies were often as accidental as the diseases; for in those days there was not a physician in the county for many years. as the arts of civilization advanced, tillage was extended; & mills were erected. The lands that were first cleared were mostly on the river & creeks; from these, & from the mill ponds, exhalations rose & poisoned the health of those who were exposed to them; but their influence did not reach far; as the woods still obstructed their passage. But a greater exposure to these exhalations, together with the progress of Society towards a more luxurious mode of living, gradually changed the aspects of diseases to a remitting type,¹⁰⁰ with bilious symptoms. A few years ago we were astonished to see these bilious diseases making their inroads into those parts of the county that had always before been noted for their extraordinary healthiness: this circumstance can be attributed only to the extension of cleared ground & thereby increasing & giving passage to those sources of disease. By this time physicians had multiplied in proportion to the diseases; & these Bilious fevers were attacked by Emetics, cathartics & the Bark;¹⁰¹ & in addition to these some cooling or sweating medicines were exhibited during the hot stage. In general these remedies succeeded. But in some cases this treatment was unsuccessful, as the fever was sometimes too constant to admit of Tonics, & to violent & obstinate to be alleviated by refrigerating medicines.¹⁰² In some cases the Lancet¹⁰³ was unknown here! The disease was suffered to terminate the patients existence with raging delyrium & a strong pulse; or to degenerate into a nervous disorder which wore him off gradually. Dysenteries sometimes occur, & most commonly in midsummer; but it has been epidemic in the healthiest parts of the county, & in the coldest time of winter. It was so violent as to prove mortal in several cases, where timely aid was not obtained. In general it yielded to a judicious use of apirients¹⁰⁴ & anodynes,¹⁰⁵ very few cases requiring the lancet.

In Taiboro many children are afflicted with that disorder so well known in the large cities by the name of Cholera Infantum.¹⁰⁶ Why this disorder is so prevalent in a small town like this, & so little known in the country; while bilious complaints among adults are somewhat more common in the country than in town, is difficult to determine; unless it may be ascribed to the difference that is observable in the *diet & management* of children in town, & those raised in the country, which is certainly very great.

In a late period of the history of our diseases a new fever (or a new

¹⁰⁰ A remitting disease is one whose symptoms temporarily abate at intervals, but do not wholly cease.

¹⁰¹ The bark was the Peruvian Bark or quinine.

¹⁰² A medicine to lower the temperature of the body.

¹⁰³ A sharp surgical instrument used in opening veins, etc.

¹⁰⁴ Laxatives

¹⁰⁵ Any medicine which allays pain.

¹⁰⁶ A disease of infants, prevailing in summer and characterized by vomiting, uncontrollable diarrhea, and collapse.

modification of fever) has appeared in this & some of the adjacent counties. And from its prevailing types & symptoms, may be denominated a "Malignant double tertian".¹⁰⁷ It however, bears various appellations; as Typhoid, Bilious remittant, nervous &c. These several names lead to different modes of treatment, which are attended with different degrees of success. It has also been called the 'Roanoke fever,' or 'negro fever'—The origin of which names will appear from the subsequent History of the disease obtained from notes taken by my friend D^r. S. J. Baker; to whose politeness I am indebted for them.

The account of the fever is preceded by a topographical account of Scotland Neck, where it is believed it was first known as an Epidemic in this part of the country.

"Scotland Neck"¹⁰⁸ is situated on the South side of Roanoke river, by a curvature of which it is formed. Its lands are almost all cleared of the timber, & in cultivation. They lie so low that there are but few points within a mile or two of the margin of the river that are not overflowed by large freshes, which occur almost every year; & which, like the inundations of the Nile, bring fertility & disease in their current. Every fresh leaves a sediment of rich black loam, varying from half an inch to two & three inches in thickness, in proportion to its height. a number of marshes & swamps serve to retain a large quantity of water a long time after it has subsided in the river, which in warm weather emits very offensive effluvia.¹⁰⁹ One of those swamps, called the Cypress swamp, has its origin about a mile from the river where it begins to make the curvature that forms Scotland Neck, to which it forms a base, & enters it about ten miles in a tolerably straight direction from its origin. About three miles S. W. from this Swamp is Kehukee, running parallel with it. The land between the two swamps is low & flat, tho not subject to inundations from the river; not very fertile; & for the most part still retaining its native growth of trees. On Kehukee, & its branches, are several large mill ponds. Four miles south of Kehukee is Deep Creek,¹¹⁰ with extensive low grounds, but not cleared. The land between Kehukee & Deep Creek is a high, dry & sandy soil; covered with a growth of large pines, oaks, & other forest trees. Here it is that the wealthy farmers have sought a retreat from the pestilential effluvia of Scotland Neck; by consequence it has become one of the most populous neighborhoods in the State. The plantations here are generally small. The buildings all of wood, with a large proportion of doors and windows; & are usually surrounded with clusters of oaks, Lombardy poplars, Babylon willows &c. Those who have built within ten, or fifteen years past have very

¹⁰⁷ A double tertian fever is one in which there are two sets of paroxysms, each recurring every third (alternate) day.

¹⁰⁸ The reference here is to the entire neck of land in Halifax County formed by the curvature of Roanoke River. The town Scotland Neck, situated in the region several miles from the river, was not incorporated until 1867. *Private Laws of North Carolina*, 1866-67, ch. 39.

¹⁰⁹ Invisible and noisome exhalations.

¹¹⁰ Kehukee is a southern, eastward-flowing tributary of Roanoke River in Halifax County. Deep is a northern, southward-flowing tributary of Tar River in Halifax and Edgecombe counties. R. B. Hardison and L. L. Brinkley, *Soil Survey of Halifax County, North Carolina*.

small spots of ground cleared round their houses. The negro huts are generally built of round pine or cypress logs, with dirt floors, & dirt in the interstices between the logs. They are small, crowded, & smoky; & as might be expected very filthy.

Diet.—Coffee is universally used by the white people for Breakfast, with salt fish or Bacon. For Dinner Bacon is a standing dish, throughout the year. Fish, both salted & fresh, is also in common use, with Beef, Lamb & poultry in great abundance when in Season, and vegetables in great variety. The negroes have, in general a plentiful allowance of bacon, with some salt fish; but they rarely use vegetables of any kind, tho easily to be procured. They also have milk in its various states on most plantations. They are commonly well clothed; but to this there are some shameful exceptions. Spirituous liquors are indulged in freely, & by some to a great excess. Unfortunately an opinion has prevailed that they operate as a preventative of disease, which has often proved to be a fatal error.

The first settlers in Scotland Neck were not aware of its being more unhealthy than any other parts of the country. But it was found that Intermittents, remittents,¹¹¹ & what are called Bilious fevers prevail with more or less violence there every year; which has caused the white people to move to those high situations mentioned above so that not more than two or three white families are left, where formerly there was a very considerable population.

Between Kehukee & Deep Creek, as was before observed, the population is greater, perhaps than in any other equal extent of country in the state; & the neighborhood has always been considered very healthy. They are less subject to Intermittents than in any other parts of the low country. But here the *Malignant fever*, of which an account is about to be given, prevailed in its utmost violence.

This fever, for the first two or three years that it came under the Doctor's observation was confined almost exclusively to the *Blacks* & in consequence obtained the appellation of '*negro fever*'.

In the month of September 1802, in a large family of negroes in Scotland Neck, many were affected & several died. It did not extend to any other family. In the month March 1806, it again made its appearance in a large family of negroes, living immediately on the east side of the river; & extended back for two or three miles to the Uneroy Marshes. 50 or 60 had the fever in this family;¹¹² four died; & it had quite subsided, by the last of May. The disease, in one instance, extended in the month of April, to a neighboring family; & about the 17th of June, ten or fifteen days after the disease had ceased in the family first affected, the Doctor was called to attend another large family within a mile or two of the same place, on the south side of the river, & 12 miles below Scotland Neck; but had the disease himself & could not attend. A neighboring

¹¹¹ An intermittent fever ceases or intermits at intervals; a remittent fever merely abates or remits at intervals.

¹¹² The entire slave force of a plantation is referred to as a family.

practitioner of some eminence was called in. Thirteen died in this family, a few cases occurred in one or two families adjacent to this, & the disease disappeared before the first of September. In March 1807 the fever again occurred, & there were several cases, & some deaths in a family near Deep Creek, between it & Kehukee; but did not extend to any other family this year. It ceased by the middle of April; but it appeared again in the same family the first week in May 1808. The disease now became general throughout the neighborhood. It prevailed in the Town of Halifax,¹¹³ & in the upper parts of that county, & indeed, in several distant parts of the state, under the various denominations, as mentioned above.

Symptoms.—The disease usually commenced with lassitude, disinclination to action, dull watery eyes, disponding countenance; pain in the head, neck, & shoulders, & loins; & sometimes in the breast or side, which were frequently very severe. There was some degree of nausea, & tho not considerable, large quantities of dark, green coloured Bile were discharged on the exhibition of Emetics & cathartics; & sometimes it was perfectly black. In many instances bowels regular & skin natural. But sometimes the heat was greatly increased, having a pungent, burning sensation, which was also imparted to the fingers on feeling the pulse. . . The pulse was extremely various in this disease; it was often very difficult to distinguish it from the healthy pulse. It rarely in the commencement exceeded 90 pulsations in the minute, & sometimes slower than natural. Sometimes it was small & apparently very feeble; but the most remarkable, as well as the most perplexing circumstance relative to the pulse was that the artery appeared to be contracted; & depressed among the tendons as almost to elude the touch, & made it impossible, until considerable experience, to discriminate between a small weak pulse from depressed excitement, & one depending on direct debility. On some occasions the pulse was rebounding, & often intermitting. Breathing was in many instances laborious, frequent sighing, great depression of spirits & prostration of strength. Thirst inconsiderable; & most of the patients expressed great aversion to cold water & acids; the latter was thought to increase the pain in the umbilical region.¹¹⁴ Wine, brandy & opium added to the general distress. The appetite was better than could be expected from the other symptoms: a Boy whilst eating some milk & mush, was attacked with a vomiting of black matter & died in two hours afterwards. Hemorrhages were frequent, & sometimes to an alarming degree, from the nose, mouth & bowels. From the latter, not less than a gallon of blood was sometimes evacuated in a few hours, but in no instance were any bad effects discovered from it; on the contrary great relief was often experienced; &

¹¹³ The town of Halifax in Edgecombe County was incorporated in 1757. After 1758, when Edgecombe County was divided, the town was in Halifax County. *S. R.*, XXIII, 496-497, XXV, 354-355.

¹¹⁴ The central one of the nine abdominal regions.

the pulse from being contracted & depressed became moderately full & soft.

The type of the fever, with very few exceptions was *Double Tertian* in the beginning, but soon became continued: In a few instances the type was single tertian.¹¹⁵ There was a very remarkable change in the colour of the skin in a few days. Black negroes became quite yellow, & those of a lighter complexion of an ash colour. The whites were many of them quite yellow. Large worms were frequently vomited up by persons of all ages. The hair came almost entirely off the heads of many on their recovery. Miliary¹¹⁶ eruptions both red & white, were common, altho the patients were kept very cool, & their apartments well ventilated. The white eruption was the most frequent, & was much elevated above the skin, & contained a pellucid¹¹⁷ fluid. Delirium which was mostly of the low kind did not appear to be affected by the eruption. Deafness in the decline of the disease was common, & in one instance was idiotsy. Tremors, & slight subsultus tendinum¹¹⁸ occurred at different stages of the disease, but by no means in consequence of delirium; and were frequently removed by blood letting. Blood drawn from a vein was almost invariably covered with a thick coat, as blue as indigo, & it was very common for an extravasation¹¹⁹ to take place around the orifice.

Dissection.—This was performed on a negro man 36 years of age; who had been attacked with the usual symptoms, except the pain, instead of being round the umbilicus,¹²⁰ was in the left side, & higher up. After being sick a week or more he got much better, & thot himself nearly well, but owing to some imprudence the symptoms recurred, (which was frequently the case) He now had diarrhoea; his pulse was large, & tolerably strong, & continued so till the last. Appetite good; thirst not considerable; was extremely deaf, & was delirious. The pain in his side had disappeared for a fortnight before his death. Four or 5 days before his death he was attacked with Singultus,¹²¹ which was most troublesome in the night, but it recurred frequently thro the day. On opening the body the concave part of the left lobe of the liver was considerably inflamed. The vessicula fellis¹²² about half full of dark green coloured bile. The external coat of the stomach on the left side very much inflam'd, to the size of the hand. The internal coat exhibited no marks of inflammation. It contained about a pound & a half of viscid¹²³ fluid. The spleen large, & very firm. The mesocolon¹²⁴ near the part of the stomach most inflamed, of a dark brown, or rather dirty appearance, was semi-putrescent; & easily torn by taking it between the finger & thumb. In the external coat of the Duodenum¹²⁵ there were several

¹¹⁵ A single tertian fever is one in which there is a paroxysm each third day.

¹¹⁶ An eruption marked by the formation of spots or vesicles resembling millet seeds.

¹¹⁷ Transparent or translucent.

¹¹⁸ A convulsive muscular twitching.

¹¹⁹ The spread of blood into surrounding tissues.

¹²⁰ Navel.

¹²¹ Hiccup.

¹²² Vesicula fellis or gall bladder.

¹²³ Sticky, viscous, glutinous.

¹²⁴ A fold of peritoneum joined to the colon.

¹²⁵ The part of the small intestine which receives the bile and pancreatic ducts.

black spots, evidently in a gangrenous state. The inner coat of the intestine appeared to be thickened; The colon¹²⁶ very much inflated. Near the spleen & on the mesocolon was a tumour the size of a Hickory nut, of the colour & consistence of the Spleen. The Diaphragm slightly inflamed in the part immediately over the inflamed part of the stomach. The other parts as far as was discovered, were in a natural State. From this dissection, & the similitude of symptoms in this & most other cases, it may fairly be infered that an inflammation, more or less considerable did exist in nearly every case. & we may further infer from it and some other cases where the usual fixed pain in the umbilical region was not present, but having all the other symtoms, that internal inflammation may exist without pain That the inflammation in all those cases, must have affected the external coat only is evident from the absense of sick stomach in many cases, where the pain was very great.

Plan of Cure.—Blood letting was the first thing that was necessary; & was repeated according to circumstances, four or five times & in some few cases seven or eight times.¹²⁷ The first bleeding was generally considerable; the quantity in subsequent bleedings was varied from six to 12^{oz}. The operation was not confined to the early stages of the disease. but was frequently necessary at an advanced period. The principal indication for the use of the lancet was the pain in the umbilical region, which it always relieved more or less; the pulse, from being small, & contracted as before described, became larger, Softer & fuller; oftentimes quite tense from the effects of this operation. The blood drawn soon coagulated, & almost invariably had a thick blue coagulum¹²⁸ on the top, which formed very soon after it was drawn. The morning after the bleeding a cathartic was administered—& was repeated once in two or three days, as the symptoms required. Cooling medicines of different descriptions were also given; but as sweats in no instance appeared to prove critical diaphoretics¹²⁹ were not used with the intention of promoting that discharge. Emetics sometimes had a good effect & created a desire for food soon after their operation. Opiates, which were early used with a view to mitigate the pains in the abdomen, were at no time found beneficial. Blisters had a fine effect, but it was most evident after the disease had continued ten or 15 days. Bark was seldom admissible except in the last stages; it was then useful in promoting the appetite & supporting the vis vela;¹³⁰ & was used in several cases with good effect when the pain in the abdomen continued till a very late period, when evacuations could no longer be had recourse to from the extreme debility of the patient, & without any apparent bad effect on the pain . . .

[To be continued]

¹²⁶ That part of the large intestine extending from the caecum to the rectum.

¹²⁷ A procedure much in vogue in former years. Now the conditions brought about by its use are generally induced by other means, and its indiscriminate use has fallen out of flavor with the medical profession.

¹²⁸ A coagulated mass or substance.

¹²⁹ Having the power to increase perspiration.

¹³⁰ "Vis vitae," vital force.

HISTORICAL NOTES

Edited by D. L. CORBITT

The historical notes in this issue consist of an article on the illegality of the courts of Oyer and Terminer and General Gaol Delivery, the influence exerted by newspapers, church pews for rent, and two obituary notices.

THE ILLEGALITY OF COURTS OF OYER AND TERMINER¹

Mr. B O Y D,²

The attention of the public has for some time been engaged with several writers on the subject of the commissions³ of Oyer and Terminer lately issued in this province. As I think it is a subject of the greatest consequence to our liberty and welfare, I shall take leave to review the different arguments which have been urged in support of them; and whatever pain it may cost me to condemn a measure which has proceeded to such fatal lengths, if truth and a reverential regard to our excellent constitution, shall compel me to do so, I will not shrink from the patriotic, though disagreeable task. To save myself and the reader trouble, I will consider all the arguments used on this occasion together, without ascribing to each particular gentleman his particular merit—I begin my enquiry into the legality of this commission by consulting the first authority of the profession, from whose institutes I shall extract what appears applicable to this controversy. The paragraphs in point are the following, 4 Ins. cap. 28. . . .

"1st. That Oyers and Terminers shall not be . . . before the "Justices of the one bench or the Justices Errant, and that for great and "horrible trespasses of the king's especial grace &c."

"2dly. That commissions are like to the king's writs, such are to be "allowed which have warrant of law and continual allowance in courts "of justice for all commissions of new invention are against law until they "have allowance by act of parliament. Commissions of novel inquiries "are declared to be void—so as a commission is a delegation by warrant "of an act of parliament, or, of the common law whereby jurisdiction,

¹ *Cape Fear Mercury*, Sept. 22, 1773, p. 2, c. 1.

² Adam Boyd purchased the printing press of Andrew Steuart and began to publish the *Cape Fear Mercury* in 1769.

³ For many years the colony had a local attachment clause in the court laws, but in 1766 a law was passed by which property of people who had not lived in the colony could be attached. This resulted in a controversy between the colony and the crown, the result of which was that by 1773 the superior courts of the colony were closed, until after Independence. As a recourse for maintaining some form of courts in the colony the crown through the governor issued commissions to judges to hold terms of Oyer and Terminer, but the General Assembly refused to vote money to maintain these courts. The following is taken from the Journal of the House of Commons for 1773: "That power of issuing Commissions of Oyer and Terminer and General Gaol delivery delegated by his Majesty to the Governor, cannot be legally carried into execution without the aid of the Legislature of this Province; and the House cannot consistent with the Justice due to their Constituents make provision for defraying the expense attending a measure which they do not approve." *Colonial Records of North Carolina*, Vol. IX, p. 738.

“power or authority is conferred on others. In the reign of Edw. 3, the “justices were so careful that no innovation should creep in concerning “commissions of Oyer and Terminer, that certain justices having their “authority by writ, where they ought to have had it by commission, though “it were of the form and words that the legal commission ought to be. “John Knivet chief justice by the advice of all the judges, resolved, that “the said writ was *contra legem*, and where divers judgments were before “then found against J. S. the same and all that was done by the colour of “that writ was damned.” “I see nothing else in my lord Coke’s treatise “on this subject that will serve to elucidate my inquiry, I now desire to “make a few remarks upon these.

With respect to the first, and which is according to the statute of Edw. 3. cap. 2. I can conceive, no words more strong to prove the necessity of such persons only as are there mentioned being appointed under these commissions. In the observations which I have recited and all the rest which are in that chapter, there is no distinction made between general & special commissions, as to the rules for the direction of them,—I therefore can see no foundation for Mr. Hawkins’s opinion—all lawyers know that a single doubtful opinion of any man, even of my lord Coke himself, is not obligatory on our acceptance, much less an unsupported opinion of Mr. Hawkins who never was considered as an authority, but a mere laborious compiler, and of no higher dignity in a lawyer’s office than Giles Jacob—and the reason he gives in the opinion alluded to is certainly not well founded.

1st. Because my lord Coke is well known to be on all occasions rather more prolix than concise, and therefore it is not probable to suppose that he would have omitted mentioning so material a distinction, if such a one had in fact existed.

2dly. Because the words of my lord Coke are too express to admit of any such distinction.—He first gives a definition of general commissions and the form of one—He then mentions those that are particular, and cites five precedents where such were granted—and in the paragraph immediately succeeding he begins, “concerning commissions of Oyer and Terminer. Ten conclusions are to be observed &c.” (and these ten are all that he makes in the whole chapter.) Any man who reads for instruction and is content to take his authors meaning as he finds it would necessarily suppose these general words including both, meant both, especially when the author goes immediately from that which is said TO BE the subject of this observation, to that which is said TO BE NOT SO, and upon this last expressly speaks. Besides, if this particular clause relates only to special commissions, it may with as much propriety be said, all the rest do, and then the general commissions have no restraint at all.

3dly. If such a method of interpretation is admitted a precedent is formed for discovering the sense of any author, however respectable, in the annotations of a critick, who has the sagacity to find he means the direct contrary of what he says—how we are to account for the words great or

horrible trespasses, I apprehend is not an essential enquiry. At that time perhaps commissions of Oyer and Terminer did not issue so much of course as they now do: I cannot speak of this certainly from history, but it is much more easily reconcileable to my belief, than that my lord Coke, so remarkable for his particularity, should have omitted a distinction of such great importance, if there really had been such a one. However, we have no right to destroy the real meaning of a whole context in any book, much less in one of unimpeached authority, to gratify our construction of one equivocal expression.

My observation on the second extract is, that if our situation will not admit of a strict adherence to the rules which direct the exercise of any prerogative in England, that prerogative cannot be exercised here, for so far as parliament or the common law directs, the idea of discretion is absurd upon the principles of our constitution, which instruct every novice that the legislative authority can in all instances controul the executive; consequently wherever the parliament interferes with the exercise of any prerogative whatever, so far as that interference reaches, the rule is absolute and cannot be departed from, and the common law being the only source from which the king's prerogative is derived, the restrictions it imposes are a part of it. If we are intitled to the benefit of acts of parliament previous to the charter, it must be all or none: It never must be left to the interpretation of judges to say what shall and shall not be in force; for it is contrary to the true policy of all well regulated states to have the legislative and the executive power in the same hands and particularly odious to the generous sentiments of a free people, with respect to the observation made that English subjects carry with them into a new country the laws of the parent state to be used in its infancy as circumstances will admit, I answer that this is only applicable to those who settle an uninhabited country; though could it be applied to us, we certainly never should allow a vague discretion of that nature which is scarcely tolerable in a state of the most severe necessity to be exerciseable here at any time the caprice of one branch of the legislature may [pro]vide a seeming occasion for it—I therefore maintain my po[sit]ion, that if any part of our situation makes it necessary in order to introduce courts of Oyer and Terminer here that the legal restrictions of their appointment should be at all dispensed with, it is **ILLEGAL** to appoint such. I quote in confirmation of this general reasoning the [fact in] the case above cited by Coke, wherein all the judges determined that where they were appointed by writ instead of commission, though it were of the form and words of the legal commission. Yet the difference, nominal as it was, was fatal, because the said writ was *contra legem*, so strictly were these commissions considered—much more such appointments of that kind be *contra legem* which destroy the very essence of them—I pay no attention to any private opinion against an express judicial authority, which must govern our belief and practice unless contravened by some later, and in order to constitute a legal authority in a point of law. There must be a judicial opinion after a solemn argument on that

point only.—if such a one can be produced let it be, together with such statutes as may have altered the constitution of these courts since the time from which I have now extracted the doctrine of them.

Were I inclined to take an advantage of any man, Selden has given me one opportunity to do so, but truth obligates me to confess, that justices of Oyer & Terminer are not mentioned in the act of 27 Hen. 8, to which he refers, and from which he so elabroately, though so weakly argues—How he could make a mistake so unfortunate for his purpose (one not authorized by the quotation which he cites) I cannot possibly conceive but by supposing he had a mind to display the great ingenuity with which he could argue in the most different cases; of which however in the present case he has given a very unsuccessful proof—for what can be more weak than to suppose the Assembly, by providing against trivial objections to form, meant to change the very essence of an important power?—Or can there be a more irrational conclusion than to intend this from the clause cited? Had it related to substance instead of form it would not even then have served his purpose, because in general words the king is never included, and no part of the prerogative can be affected by implication. At the same time, though it is not necessary, I must doubt the authority of the Queen's peace act as it is generally believed to be obsolete. In Sir Matthew Hales pleas of the crown fol. 23 I find as follows, that the justices of Oyer and Terminer in criminal causes cannot be by writ but must be by commission under the Great Seal; otherwise their proceedings are void. 42 Affs. 12, as also in fol. 31. by the statute of 9 Edw. 3. cap. 5. Justices of Oyer and Terminer, Jail Delivery and Assize are to send their records and processes determined put in execution to the Exchequer at Michaelmas once every year under their Seal, to be kept by the treasurer and chamberlains, but are to take out their estreats first.

I would by no means attempt to impose upon the public by referring to books of no authority. This is a circumstance I leave for a Selden, a Regulus & the Gentleman without a name in the North Carolina Gazette to do. My quotations are therefore in a great constitutional point from that able crown lawyer, Sir Matthew Hale, one of the first characters in the law England ever produced. I therefore now offer to the good people of this country the matter of law above cited; wherein the reader will observe in the first place that no commission of Oyer & Terminer can issue but under the GREAT SEAL, by which no person I presume will have ingenuity enough to discover is meant the Great Seal of North-Carolina.

The last matter has been treated by one gentleman with very indecent ridicule, of which perhaps he will feel himself ashamed, when he considers the wise and sound reasons upon which this regulation is founded, let this gentleman only reflect a moment if there is no particular court in being in this province to which the records of the justices ought to be returned how is it possible that any errors in these proceedings can be enquired into; a more indispensable requisite in criminal matters than in any other, because of the superior consequence every man's life and reputation

is to all other considerations. And with respect to fines and forfeitures to the crown, the crown cannot know what fines are payable to it, and no man can have an unexceptionable title to an estate purchased under a forfeiture, if there is no certain place where the record of the conviction can be found.

I make no doubt but Mr. Anonymous highly applauds himself on that happy sagacity which led him to discovery that before the making of the statute of Edw. 3d. the king might by his prerogative issue commissions of Oyer and Terminer, and this shall be granted him; but at the same time let it be asked why his very profound and deep researches in the law have not enabled him to find out that long before the making the Stat Edw. 3d, to wit, as long as in the 44th year of the reign of Edw. 2d. That indictments and proceedings, before justices of Oyer and Terminer, after the Oyer determined ought to remain in the king's bench, and the records before justices of jail-delivery remain with the Custos Rotulorum 12 report 32, and again in 2d institute 419. we read that if a commission of Oyer and Terminer be discontinued or expired the indictments and records shall be removed into the king's bench as to their proper center. But enough of this—for a man who is endued with the most slender gifts of nature, abstracted of any legal ideas, cannot but think, that where a power is lodged of condemning life and forfeiting estate there should be some place to resort to to take a review of the proceedings in those cases—it must incidentally follow from the nature of such appointments, and be coeval with the exercise of the prerogative itself—in fact it was so, the king's bench being as before observed, the center, the proper center—but where is the center here.

I am aware that the wise projectors of those commissions will say that in the printed one of the 4th institute, there does not appear any certain place to which they should be returned, I give them this answer, that if they will be at the trouble of thinking, they will find it was not necessary the commission should so do, as an act of parliament had provided a repository as well for that as the future proceedings, consequent thereon.

It is agreed upon, the king cannot grant a power to a body corporate in England to erect courts of Oyer and Terminer, and the people to power have long affected to consider the plantations in the same light as the corporations in England with respect to their constitution: how is it possible therefore upon their own principles that the king can grant such a power to his Governor here?

I have particularly reviewed all the arguments which have been offered on this occasion that seemed to require an answer, that I might let no one triumph without a victory, although I could have at once removed all doubt by producing authorities which expressly declare, the power in question cannot be delegated.

The King cannot grant a power to any to make justices of Oyer and Terminer; but he ought to constitute such justices himself, for it is a higher prerogative. Jenk. 171. pl. 36. 1. Hem. 7. 16 Vid. Vin. Tit. Prerog-

ative M. b. 21. in the notes—Vide also Br. Patents III.—This quotation requires no comment, and can receive no answer.

There is one part of a defense on this occasion which I could not number among the arguments, but which from the heinous insult it offers to the liberties of a free people, I must take notice of, and that is wherein an answer is attempted to the objection about jurymen, and here the writer is guilty of a plain self consultation upon any other principles than those of arbitrary discretion. It would offend a liberal understanding to make an express answer to this.

For the writer's information I will just mention, that it is a well known observation, a right without a remedy is not a legal one, because the law is never defective in provisions to carry its purposes into effect; it may surely be as confidentially asserted, that a court of justice which cannot execute its commission by LEGAL means is not a LEGAL court.

One gentleman on this side indeed thinks, that if an Act of Parliament has once an influence here, it always has, whether afterwards repealed or no; unless he had this ridiculous idea he could not have cited an act as affecting us that in England is either impliedly or expressly repealed—any person who has read so far in Regulus's performance will find apt occasion for this remark.

The public ought to be very cautious how they encourage these commissions of Oyer and Terminer, because tho' the present Governor⁴ has appointed in the present instant men of character to act under them, a future one less attentive to the dignity of government, his own honour, and the happiness of the people, may prostitute the offices to purposes equally mean and unworthy; and it is the peculiar duty of ENGLISHMEN to guard against the power, as well as the CONDUCT, that is arbitrary; and if the wisdom and caution of an English Parliament have provided against the undue exercise of this power by a great monarch, shall it be less here at the discretion of a person who 'is some degrees below even a minister of state? Surely there is not so melancholy a difference between the condition of the two countries. With very great satisfaction I read a piece in the *Cape Fear Mercury* some time ago signed Hambden, the author whoever he is, is an elegant, pleasing and sensible writer, and had he pursued the subject to its full extent I should never have tho't of troubling the public with any remarks of my own. Such as I have given have no other tendency than to expose the ill consequences of a pernicious precedent, and the reasoning offered in support of it.

I have not the most distant idea of reflecting on the equity and justice of the Governor's intention, as I am persuaded he issued the commissioners from the the purest and most honourable motives.—The proofs of their illegality are only to be found in those books which furnish the lawyers library: . . . is at all surprising that the Governor should entertain . . . doubt of an authority, which gentlemen of distinction in the

⁴ Josiah Martin who was governor from 1771 to 1775, and the last royal governor.

profession so readily acknowledged. Whether these can be justified by the novelty of the question, or the seeming necessity for the exercise of the power. I will not take upon me to determine, or how far a judge's understanding should be prepared for all contingent occasions. But thus much I will freely say, that the three writers in defence of the commissions have advanced principles evidently repugnant to law and reason, contrary to the genius of the British constitution, and entirely subversive of the cause they undertook to support.

B R A C T O N

NEWSPAPERS EXERT GREAT INFLUENCE⁵

NEWBERN, *March 2.* [1778]

Mr. Davis,⁶

An unexpected accident brought me to town from my lonely retreat, where I am more happy in general, than those who make hasty strides to be rich. The labourious, but innocent toils of the day, and the clear water of my running spring, prepare me for a quiet repose at night.

As a subscriber, I peruse your papers when they come to hand, and think you take a great deal of pains to entertain your readers with all good news the times afford. In publishing what is disagreeable to the friends of independency and just rights of human beings, you are sparing and cautious, which I think is necessary and prudent in the present exigency of the times. As we planters in general are wanting in *education* and judgment, therefore the printers have a great share in forming our common ideas. In your last weeks gazette, you entertained us with an account of the memorable battle of the kegs on the river Delaware, which gives offence to some and makes others laugh at the fiction, but as we are not always capable of judging for ourselves, you ought, when you publish such factious tales, to add at the bottom by way of a large P. S. that it is only a joke.

The account you give us of a change of ministry in the British court, we hope will be confirmed to us with the happy consequences we may reasonably expect from the benign influence of Pitt and Rockingham,⁷ and their concerts. It creates a longing expectation in my breast, that we shall before long meet our friends, our relations and the worthiest people on earth with open arms and a flood of tears of condolence never more to be separated. We will as much as possible forget the men who, at the British helm, have made such open breaches in a loving family, I mean those who were attempting to make slaves of the descendants of Englishmen and British

⁵ *North Carolina Gazette*, March 13, 1778, p. 2, c. 1, 2.

⁶ James Davis brought the first printing press to North Carolina in 1749, and began publishing the *North Carolina Gazette* in 1751, the first newspaper published in the colony.

⁷ The Granville Ministry was in power from 1763 to 1765. This was followed by the Rockingham Ministry which was in power from 1765 to 1766. Then the Pitt Ministry came into power and was in power until 1768. At the time this article was written the North Ministry was in power, 1770-1782.

emigrants. We shall soon forget the distinction of whigs and tories among ourselves, and your correspondent the CAROLINA PLANTER may leave off his illiterate, illiberal performance, and study to act in his proper sphere, I mean he ought to study to be quiet and mind his own business, mend his ploughs, make shelters for his cart wheels and keep good fences, with many other things that will be of service to his family and of credit to himself, and would wish him to remember that Apelles or one of the famous antient painters said to the criticising cobbler ("one of the lowest order of mechanicks") that a shoemaker ought not to go beyond his last.

As poets relate, that when Vulcan formed the first woman, several of the gods and goddesses contributed many graces to make her beautiful and lovely, but as our greatest good is oft times attended with evils and cares, Pandora conveys her box into the repository. Pitt is the friend of mankind, but as a commander almost invincible, should he think us unreasonable in our demands, and thereby incur his displeasure, he will do more in six weeks towards subduing America, than Lord North could effect in twice as many years, we have every thing to hope and every thing to fear.

Many concomitant evils follow the secret consequences of peace; when we come to that period, we shall be at the trouble and expence of hanging many of the disbanded vagrants that had no courage to fight as men in the open field, nor industry or honest inclination to work for their livelihood at home. *I have a few handfulls of hemp seed I intend to sew as soon as I get home.*

When peace is established we shall in a great measure be relieved of the extortion of the monopolizing merchants, an open trade will occasion a plenty of goods, and many will be competitors for the planters custom, but we ought to study prudence, avoid unnecesary superfluitives, still keep our spinning wheels going, and improve upon the industry the necessity of the times has drove us to. Let us study to be at peace among ourselves, and as much as possible avoid troubling the courts and refer our differences to the decision of our friendly neighbours, by which means we shall soon see two lawyers riding upon one horse, and chief of the mercantile class and pedlars will be obliged to turn planters and follow an honest occupation for their livelihood, which will make them valuable members of society, and give them a chance and time to prepare for a happy change in futurity, for as St. Austin said "it is almost impossible for soldiers and merchants to repent as they ought to do."

I am, &c.

A BY STANDER

CHURCH PEWS FOR RENT^s

NOTICE is hereby given, That on Thursday the 3d Day of January next, will be rented, to the highest Bidder, for one Year, the PEWS of the

^s *The North Carolina Gazette: or Universal Intelligences*, Dec. 28, 1764, p. 3, c. 2.

Church in *Newbern*; agreeable to an Order of the VESTRY of *Christ-Church* Parish for that Purpose

Jacob Blount)
) Church
) and
) Wardens
 James Davis)

OBITUARIES PRIOR TO 1800

These obituary notices will be inserted from time to time covering the period prior to 1800. They will be taken from the North Carolina newspapers now on file in the North Carolina Historical Commission.

SAMUEL SMITH⁹

Hyde County, April 25, 1775.

SIR,

Please to give a place in your Gazette to the following Lines, and you will oblige your constant Reader.

At his Seat, in this County, died, on the 20th Inst, SAMUEL SMITH, Esq; who for his moral and social Virtues was universally and deservedly lamented. His Remains were attended by a considerable Number of respectable Persons, and on Friday was interred, as being a Colonel, with military Honours. The Loss of so useful a Member of Society will be very great! He was the kind Husband, the loving Father, and the sincere Friend. In all the public Characters that he was in, he acted with Honour and Justice, which made his Funeral a Scene of sincere Sorrow and Mourning.

JOHN SIMPSON¹⁰

On Saturday night last, in Washington, of a nervous Fever, Mr. JOHN SIMPSON, merchant, in the 53rd year of his age.—This gentleman was a native of Scotland, who about 14 years since, came to this state, as agent for a mercantile house in Glasgow—his skill in commercial affairs and assideous attention to Business made him a useful member of society—his amiable social character, and affectionate attachment to his friends, rendered him beloved and respected by an extensive circle of acquaintance.

⁹ *North Carolina Gazette*, May 5, 1775 p. 3, c. 2

¹⁰ *The Newbern Gazette*, August 15, 1800 p. 3, c. 3.

BOOK REVIEWS

SOUTHERN EXPOSURE. By Peter Mitchell Wilson. (Chapel Hill: The University of North Carolina Press. 1927. P. 197. \$2.50)

The title, "Southern Exposure," and the cover design of a Negro "mammy" contentedly smoking her pipe, are misleading. One might reasonably expect to find, from this, a series of sketches of Southern life after the manner of Thomas Nelson Page or Harry Stillwell Edwards. Instead, there is the autobiography of Peter Mitchel Wilson, a North Carolinian. Naturally, much of the story may be taken as typical of the South, but the setting, the characters, the events, the point of view, are Carolinian.

The author was born in Warrenton, North Carolina, just before the Civil War, of well known, well-to-do, typical plantation-owner parents. He was educated at Chapel Hill and Edinburgh, Scotland, resident for a short time of Salem, Virginia, admitted to the North Carolina bar in the early 70's, practiced law, engaged in newspaper work and held other positions of trust in North Carolina for a number of years, and in the 90's removed to Washington, D. C., where he has since resided.

He explains in his first words, "I have been an on-looker at life. . . . It is a good game. I have been close enough to some of the spectacular players to watch them make history, but I have never desired to make it myself. . . . My seat has always been in the bleachers that faced South." This reveals and explains the point of view and philosophy of the author.

The book opens with a delightful picture of life in Warrenton, North Carolina, in the 50's, followed by a pleasing sketch of childhood days, an excellent portrayal of the University of North Carolina in the immediate post-war period, interesting portrayal of life as a student at Edinburgh, Scotland, with illuminating contrasts between the educational system of the two places, and some interesting side lights upon the events in Paris during the last days of the empire.

Upon his return to America, Mr. Wilson resides for a time in Salem, Virginia, studies law, and comes to the bar in North Carolina in the early 70's. He gives the milder side of the stirring events of the Reconstruction period in North Carolina, and this is followed with many intimate and delightful pictures of his co-workers—Hale,

Saunders, Polk, Patrick in particular—and most of the other familiarly known men of that period.

The latter portion of the book deals very largely with such personalities as Page, Aycock, Alderman, McIver, Ransom and a few contemporaries.

An autobiography is to be judged in the light of its style, its interpretation of contemporary life, and the close-up view of men, manners and events of consequence. "Southern Exposure" must be praised mainly for its style and its philosophy. It is an exceedingly interesting and wholesome book to read. The author has a very fine sense of honor and humor. He is kindness itself. There is a constant glow of good sense and good humor and the worth whileness of life. It must be said, in all candor, that there is practically nothing new, either in fact or interpretation, in the book. Outside of a brief reference, in the first pages, to the fact that the life of the South is "intensely personal" and "you cannot read its history in the black and white print of events; you must interpret it from the vividly colored portraiture of personalities," and the further statement that "you can only know North Carolina when you know North Carolinians," and "in the days that I have known and loved, it was a commonwealth of undisciplined individualism," there is no attempt at philosophic interpretation of the history of the period covered. He throws no new light upon the men, the manners or the events of the period through which he lives. He does clothe them with a distinctive charm and does make them dearer to us and more intimate, but there is no new revelation.

The foreword to the book, by W. W. Fuller, is apt and appropriate and might well serve as a review:

"Southern Exposure" is a likeable tale told by a lovable man about his own life and the ways of his neighbors and the resurgence of his beloved State.

The gentlest of Carolina gentlemen, a modest, scholarly son, of invulnerable honor and unsullied kindness, has, with filial piety, written of the brave old Commonwealth that mothered him, lovingly, knowingly—and fairly.

He was born into affluence, plunged into poverty, acquainted with suffering; lived unstained, and happily remains with us, as fine a flower of Southern gentility and chivalry as ever blossomed.

An artist of images and artisan of words, his little book reflects

the beauty and purity of his life, and the dignity and manliness of his fellows.

It is a joy to welcome the book and a happiness to read these intimate reminiscences of gentle Peter Wilson.

W. C. JACKSON.

North Carolina College for Women.

A HISTORY OF AMERICAN FOREIGN RELATIONS. By Louis Martin Sears. (New York: Thomas Y. Crowell Company, 1927. Pp. xiii, 648. \$3.50)

Dr. Sears has produced a volume which deserves a place along with the works of C. R. Fish, Randolph G. Adams, and J. H. Latané. The arrangement of the work is strictly chronological without the tiresome obtrusion of dates, many of the periods being presented under very suggestive chapter headings with equally suggestive subtitles. For instance, the diplomacy of the period from 1783 to 1789 is treated under the caption "Divided We Fall"; the negotiations leading to the treaty of Ghent are denominated "Peace At Any Price"; and the foreign relations of the United States during the latter part of the Roosevelt administration are dealt with under the title "A New Giant in the World."

The author's account of our diplomacy is unprejudiced and well-balanced in general, although a slight deficiency may be noted in his treatment of our Latin-American relations and of certain economic matters. Some readers may object also to the frequency with which he passes judgment upon men and measures, but Professor Sears's reply might well be that one of the purposes of his book is to prod Americans to the formation of judgments regarding foreign policy. The teacher or general reader who differs with the author's views will find good mental exercise in the formulation of his objections.

In the treatment of such a broad field errors are bound to creep in, but the account on the whole appears to be accurate. Minor errors may be corrected in a second edition. The debate on the Panama Congress did not come to a close in March, 1828, but in March, 1826. The Spanish title "Don" should be followed by the Christian name of the person to whom it is applied. Spain did not throw the commerce of Spanish America open to the British in 1808.

The English merely continued the old contraband trade with renewed vigor. Nor did the English have a monopoly of that commerce; the Yankees came in for an important share. The account of the second Venezuelan Crisis should have been modified in the light of evidence available before the author published his book.

These inaccuracies should not be permitted, however, to obscure the general accuracy and balance of the work or its other outstanding merits. The style is unusually clear, lively, and vigorous, if at times almost too informal. The bibliography is extensive and valuable, although the present reviewer would like to add a few more works on the Latin-American side. The index is satisfactory. As proof-reader the author has shown high capacity, and the student will be grateful for his chronological table and his list of secretaries of state. On the whole Professor Sears has presented an excellent survey of an important subject.

J. FRED RIPPY

Duke University

THE HUGUENOTS OF COLONIAL SOUTH CAROLINA. By Arthur Henry Hirsch. (Durham: Duke University Press. 1928. Pp. 338. \$5.00).

This book has the distinction of being perhaps the most exhaustive investigation which has ever been made on a single phase of South Carolina history. The author truly says in the preface, "New ground has been broken and much source material heretofore unused for this purpose has been examined and utilized." He has consulted manuscript material as far afield as the Rawlinson papers in the Bodleian library and similar matter found in New York and Chicago. But his principal sources are found in South Carolina. They consist of diaries and other private papers in the possession of the descendants of Huguenots, the Probate Court Records of Charleston, vestry minutes, the Council and Assembly Journals, and above all the thirty-six volumes of colonial documents of South Carolina found in the office of the state historical commission.

As the result of a thorough study of these sources the author has produced a book which will likely long remain the standard treatment of a very important element of Colonial South Carolina. He tells the story of the expulsion of a group of French Protestants

from their homeland, of their finding a haven in England, and of their subsequent migration to South Carolina in the late seventeenth and early eighteenth centuries. Emphasis is laid on religious and industrial phases of their experiences in America and on the biography of individual leaders.

The key to an understanding of the South Carolina Huguenots is that their migration to America was not the transmission of an old culture to a new environment but a surrender of an old culture in favor of that already established. All phases of their life illustrate this fact. The French language was soon forgotten, names were changed (Serrurier to Smith, for example) or given such a curious local pronunciation that they could be recognized by no Frenchman. The Huguenots intermarried with persons of English extraction and took the patriot side in the Revolution. There is no French culture in South Carolina today. How this change was effected is illustrated by their religious and industrial experiences.

Their religious experiences were quite curious for an age which took doctrinal differences seriously. Being forced to flee from France for consciences' sake, these Calvinists, under the influence of only a moderate degree of persuasion and compulsion, readily abjured their old faith in order to join the next of kin to the papists, the Episcopalians. This change seems to have been induced by a Gallic sense of accommodation to practical exigencies, before which religious idealism or fanaticism stood as no barrier. Kind treatment made them favorable to Anglicanism; in South Carolina they accepted clergymen who were trained in England, for the very practical reason that their theological schools in France had been closed; since the law of 1706 compelled them to support an Episcopalian establishment in South Carolina, they preferred attending that church to going to the extra expense of supporting private churches of their own; and their economic and social interests were identical with those of the Anglican aristocracy. They even joined the latter in its struggle with the powerful Dissenter element, and the Huguenot form of worship, except in one church in Charleston, soon became extinct.

The industrial experiences of this very practical people illustrate even to a greater degree their power of adaptability. Sent over to cultivate the grape, the olive, and the silk worm, they never carried these pursuits beyond the experimental stage, but substituted com-

mercial and agricultural activities in keeping with local tendencies. They became growers of rice, indigo, and cotton, breeders of fine horses, distillers, merchants, and brokers. Some were soon numbered among the wealthiest citizens of the colony.

Because of the facility with which they adapted themselves to America, perhaps Professor Hirsch has made a mistake in trying to separate them from the English element of Colonial South Carolina society. The intermingling of these two elements was so thorough that such an attempt, even with the aid of the meticulous scholarship of the author, seems well-nigh impossible. This has led to the mistake of claiming French origin for many persons of other nationalities, and has been responsible, perhaps to a greater degree than outright carelessness, for the many criticisms which the secretary of the Historical Commission of South Carolina¹ has brought against his work.

But this facility with which the Huguenots adapted themselves to their new environment was the reason why they as individuals exercised an influence far out of proportion to their numbers. At no time were they more than a small proportion of the white population of the colony; yet as compared with the more numerous Germans, the other non-British element, their influence on the social and political life was much greater. Like the Germans they were frugal, but unlike the Germans they were more than peasants. Springing from the French aristocracy and middle class, they adopted all the devices of the progressive South Carolinian—his religion, his curious system of swamp plantations based on slave labor, and his social and political ideals. The Germans retained to a greater degree their European culture and above all the European idea of small farms, refusing to accommodate themselves to slavery. They remained uninfluential.

In spite of the merits of its scholarship, this book, because of the manner in which it is written, will be of little interest to those who have no technical interest in colonial history or in the Huguenots of South Carolina. It follows the traditions of much of the best written on the Colonial period in being unimaginative and dull. Our author, except in three chapters (iv, ix, xii), makes few significant generalizations or comparisons of a type which his wide scholarship would seem to justify; he largely confines himself to details.

¹ See the elaborate review of Mr. A. S. Salley, Jr., in *The State: Columbia, South Carolina*, March 18, 1928.

The geneological data, catalogues of names, financial statements, and all the facts imaginable about certain churches, have all the earmarks of the local history, lacking interest to anyone except the patient scholar who cares to digest them. He seems to have lost sight of the most significant fact of Colonial South Carolina history, the creation of new industries suitable to the new environment out of which grew a thoroughly original civilization. More space is given to the European industries which the Huguenots unsuccessfully attempted to establish than to the American industries which they did establish. Moreover, the social phases of their life—the uses made of the wealth they accumulated, their display of fine mansions and other luxuries, their contact with the negroes, etc.—are almost altogether neglected.

FRANCIS B. SIMKINS.

State Teachers' College, Farmville, Va.

VARINA HOWELL, WIFE OF JEFFERSON DAVIS. By Eron Rowland, Mrs. Dunbar Rowland. Volume I (New York: the MacMillan Company. 1927. Pp. xi, 499. \$4.00)

Volume one of Mrs. Rowland's life of Mrs. Jefferson Davis is bound in black moire and lettered in gold. It will look well upon the library shelf. Unfortunately it will probably be found there in the future. A well conceived biography of this important woman would have been acceptable not only to scholars but also to the sophisticated and inquiring. But this book fails to give the essence of the pride and spirit of its subject. The comparison of Mrs. Davis to an imaginary heroine, one third Andromache, one third Elizabeth and one third Victoria is a decorative artifice that is not linked with the structure. Again the impression is blurred with a profusion of adjectives such as are used to describe a new acquaintance in whom interest has been aroused but whose individual quality eludes discription, "handsome, light-hearted, kindly disposed," "popular," "witty," and "proud."

A quotation from the Memoir is something of an oasis if one thirsts to comprehend the real woman. The author has met her and given her a high estimate; she does not know her. Had she felt the Tantalus of psychological exploration and analysis she would not have had room for the somewhat lengthy political explanations with

their undercurrent of exoneration for the southern position in 1861. Had artistry prevailed there would have been graduation in description. The acidity, discrimination and pertinence of Mrs. Davis' tongue could have been used to bite into the plate an indelible impression. Her youthful vanity and egotism need not have been glossed over as in this: "Her biographer has no desire to hide the fact from posterity that she was, at this period especially, somewhat vain and egotistical." The ever recurring emphasis upon her fairness, generosity and affection sound too much like the condoning of faults by a fond and partial champion rather than like the incisive stroke of an artist. Mrs. Davis was of sufficient strength to carry some weaknesses. Yet her inordinate laughter at the discomfiture of others must be explained away: "If this must be recorded against her it should also be recorded that she enjoyed her laughter and rarely if ever laughed with her lips." It is too much like granting the prophets a fault because to do less is to blaspheme.

Strong preferences and their free expression make for color in personality. There is evidence that Mrs. Davis was intellectually unprejudiced to an admirable degree. She was first, however, a woman of strong emotional reactions. There was little neutrality in her immediate response although fairness might come in her reflections. She sparkled. She dominated. And some must have resented it. A careful tracing of her relations with Mrs. Joseph E. Johnston might have revealed the facets of her nature in brilliant succession. But no. In two pages of platitudinous evasions the relation is carefully described as "a subject that cannot be passed over in a biography of Varina Howell Davis as much as the author might wish to omit it." Why was she accused of being a "coarse western woman"? How did she express her resentment? Was the "forgiveness of injury and wrong" which "became a powerful attribute of her nature" a reproach or a blessing? Did she use forgiveness as a protection, a weapon or as self discipline? Or did she admit it as a part of an ultimate philosophical perspective?

Biographies have value in this order. They may give a vicarious immorality to one who was mortal. They may contribute to the historical understanding of a period or type. Finally they may serve as the means by which a determined author may project himself or his conceptions and theories. This first volume of Mrs. Davis' biography lacks tactile values. There is a certain contribu-

tion as an historical sidelight on politics but Mrs. Davis' Memoir has greater value here. The opportunity to throw light upon social history is little exploited. The presentation of Mrs. Davis as a type of southern womanhood is difficult because her life was singular and not typical. Viewed from this angle the portrait lacks usefulness. We are regaled with descriptions of men but the descriptions of women are rare. What sort of clothes did she wear? How did she entertain? How did she influence her husband? Where are the specimens of her wit? What kind of a mother did she make? What were her views upon women? It is significant that eleven pages are given to a description of the Charleston Convention and the first eight have no mention of Mrs. Davis.

Mrs. Rowland does not project herself unduly. What she does without distrust and with perfect composure is to portray the conception of Mrs. Jefferson Davis that was current among the righteous women of post-bellum days. She quotes from contemporaries and descendants of contemporaries. From a background of worship and respect and in an atmosphere of impending doom there steps in dignified monotonous measure the personification of what southern women in the eighties and nineties thought the wife of the President of the Confederacy to be. In the latter part of her book Mrs. Rowland seems to tire of her task. There are many misspelled words and many poorly constructed sentences. Prepositions and pronouns are promiscuously used as in this, "a city of which she was proud to claim as a home."

Perhaps Mrs. Rowland will be more penetrating and at ease in her next volume. The conviction is upon me however that in this first one she has imprisoned the real Varina Howell and restrained her abounding vitality in a garment that is ill fitting.

"What is Summer in a fine brocaded gown?

I should like to see it lying in a heap upon the ground."

MARJORIE MENDENHALL

North Carolina College for Women.

BOOKS RECEIVED

County Government and Administration in North Carolina. By Paul Woodford Wager. (Chapel Hill: The University of North Carolina Press. 1928. Pp. xii, 447. \$5.00)

The Confederate Privateers. By William Morrison Robinson, Jr. (New Haven: Yale University Press. 1928. Pp. xvi, 372. \$4.00.)

Benjamin H. Hill. Secession and Reconstruction. By Haywood J. Pearce, Jr. (Chicago: University of Chicago Press. 1928. Pp. ix, 330. \$3.00.)

The James A. Graham Papers, 1861-1884. Edited by H. M. Wagstaff. [The James Sprunt Historical studies, Vol. 20, No. 2.] (Chapel Hill: The University of North Carolina Press. 1928. Pp. 87-324.)

British Headquarters Maps and Sketches. By Randolph G. Adams. (Ann Arbor: The William L. Clements Library. 1928. Pp. vi, 144.)

James Buchanan and His Cabinet on the Eve of Session. By Philip Gerald Auchampaugh. (Privately printed. 1926. Pp. ix, 224.)

The Capuchins in French Louisiana (1722-1766). By Claude L. Vogel. [Franciscan Studies No. 8.] (New York: Joseph F. Wagner. 1928. Pp. xxvi, 201. \$1.50.)

Captain Hobson and the New Zealand Company: A Study in Colonial Administration. By J. C. Beaglehole. [Smith College Studies in History. Vol. XVIII, Nos. 1-3.] (Northampton, Mass: Department of History of Smith College. 1928. Pp. 112.)

William Gregg. Factory Master of the Old South. By Broadus Mitchell. (Chapel Hill: University of North Carolina Press. 1928. Pp. xi, 331. \$3.00.)

College Life in the Old South. By E. Merton Coulter. (New York: The Macmillan Company, 1928. Pp. ix, 381. \$3.00.)

HISTORICAL NEWS

The North Carolina Historical Commission receives requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*, *The North Carolina Booklet*, and the *North Carolina Day Program*. These publications are out of print. Anyone possessing duplicates is requested to send them to A. R. Newsome, Secretary of The North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in collections of libraries and students.

Back numbers of *The North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission at the regular price of \$2.00 per volume or 50 cents per number.

The exercises of the twenty-eighth annual session of the State Literary and Historical Association and the annual sessions of the North Carolina State Art and Folk-Lore societies were held in Raleigh, November 22 and 23, 1928. The Sir Walter Hotel was headquarters of the three organizations.

The session of the State Literary and Historical Association was opened Thursday evening, November 22, in the Virginia Dare Ballroom, Sir Walter Hotel, with an invocation by Dr. J. Edward Kirby, minister of The United Church, Raleigh. President James Boyd, of Southern Pines, author of *Drums* and *Marching On*, delivered the presidential address, "The Situation of Literature in America." Following the address, there was a reception in the Ballroom to members and guests of the Association and societies.

At the session on Friday morning, November 23, in the Manteo Room, R. D. W. Connor of Chapel Hill, Kenan Professor of History in the University of North Carolina, read a paper, "Charles Lee Coon"—a biographical account of Dr. Charles L. Coon, president of the Association, who died in office, December 23, 1927. Mr. William Polk of Warrenton read a paper, "The Best Hated Man in the South," relating to Hinton Rowan Helper and his book, *The Im-*

pending Crisis of the South. Other papers were: "A Bibliography of North Carolina History and Literature in 1928," by Miss Lois V. Rumph of the Library Commission, Raleigh; and "The Presidential Election of 1824 in North Carolina," by A. R. Newsome, Secretary of the North Carolina Historical Commission, Raleigh. At a business meeting of the Association, immediately after the program of papers, the following were nominated by the committee composed of Dr. B. B. Kendrick, Miss Adelaide L. Fries, and Mrs. J. H. Anderson, and elected as officers of the State Literary and Historical Association for the year 1928-1929: president, Dr. H. M. Wagstaff, Chapel Hill, professor of history in the University and author and editor of several volumes on North Carolina history; first vice-president, Dr. E. C. Brooks, Raleigh; second vice-president, Mrs. William A. Graham, Edenton; and third vice-president, Mr. Clarence Griffin, Spindale. Resolutions, reported by a committee consisting of Dr. D. T. Smithwick, Miss Mary Arrington, and W. F. Marshall, were adopted expressing the thanks of the Association for the courtesies of various organizations which assisted in the execution of the program, directing that the felicitations of the Association be sent to various absent members, and endorsing the establishment of the office of county historian by the next General Assembly.

The program of the Association was brought to a close Friday evening, November 23, in the auditorium of the Hugh Morson High School, by an address, "Diplomats in the American Revolution," by Professor C. H. Van Tyne, head of the history department, University of Michigan, Ann Arbor.

The session of the North Carolina State Art Society began on Wednesday evening, November 21, with the opening of an exhibit of paintings and sculpture, in the Virginia Dare Ballroom, from the Grand Central Art Galleries, New York, to members of the Society and patrons and patronesses of the exhibit, followed by a reception to the visiting artists. Announcement of the gift of several paintings to the State was made by Mrs. Katherine P. Arrington, president of the Art Society. The exhibit was open to the public and viewed by thousands from November 22 to December 3.

On Thursday afternoon, November 22, the Art Society held a

round-table discussion of "How can the production and recognition of worthy North Carolina art best be encouraged," led by Mr. William Steen, Chapel Hill; "How can appreciation of art be best encouraged among the people of the State," led by Dr. Archibald Henderson, Chapel Hill; "How can a State Art Musuem be financed and developed," led by Mrs. Katherine P. Arrington, Warrenton; and "How can we best encourage an appreciation of art in the public schools," led by Mr. John J. Blair, Raleigh. At a business meeting following the discussion, the Society resolved to request the next General Assembly for financial aid in the establishment of an Art Musuem. The following officers were elected for the year 1928-1929: honorary presidents, Governor Angus W. McLean, Governor-elect O. Max Gardner, and Mrs. Josephus Daniels, Raleigh; president, Mrs. Katherine Pendleton Arrington, Warrenton; vice-presidents, Dr. Clarence Poe, Raleigh, Colonel Owen Kenan, Wilmington, and Mrs. Henry M. London, Raleigh; secretary, Dr. M. C. S. Noble, Jr., Raleigh; and treasurer, Mr. John J. Blair, Raleigh.

The program of the seventeenth annual session of the North Carolina Folk-Lore Society, held in the Virginia Dare Ballroom, Friday afternoon, November 23, consisted of the presidential address by Mrs. S. Westray Battle, Asheville; papers—"Some Folk Words," by Dr. Thomas P. Harrison, Raleigh; "The Musical Possibilities in Mountain Songs," by Mrs. Maude Minish Sutton, Forest City, and "John Kuners," by Dougald MacMillan, Chapel Hill; and music—North Carolina Folk Songs, by Mrs. Peyton J. Brown, soloist, and Mr. Peyton J. Brown and Miss Mabel Thomas, accompanists. At a business session, the following officers were elected for the ensuing year: president, Mrs. S. Westray Battle, Asheville; first vice-president, Mrs. Josephus Daniels, Raleigh; second vice-president, Mrs. Maude Minish Sutton, Forest City; third vice-president, Miss Lucy Maria Cobb, Raleigh; and secretary-treasurer, Frank C. Brown, Durham.

Under the direction of Miss Mabel Davis, county historian of Warren County, the Warren County Historical Association was organized at a meeting in the Warren County Memorial Library at Warrenton, September 21. A. R. Newsome, Secretary of the North Carolina Historical Commission, addressed the meeting. Mr. Wil-

liam Polk was elected president; Miss Edna Allen, Mrs. Nathan Palmer, and Miss Mamie Williams, vice-presidents; and Miss Mabel Davis, secretary-treasurer.

The Battle of Elizabethtown Chapter, D. A. R., unveiled a bronze tablet at Elizabethtown, September 28, commemorating the Battle of Elizabethtown, August 29, 1781. Mrs. E. F. McCulloch presided at the exercises; Professor Frank Graham of the University delivered the main address, and Rev. C. B. Heller of Elizabethtown read an historical account of the battle. Brief talks were made by James H. Clark, Mrs. John McDowell, and Homer L. Lyon of Elizabethtown; John Bright Hill of Wilmington; Mrs. W. B. Murphy of Snow Hill; Mrs. T. C. Turnage of Farmville; Col. W. H. Butner of Fort Bragg; Mrs. Charles R. Whitaker of Southern Pines; and A. R. Newsome of Raleigh.

The chief accessions to the manuscript collections of the North Carolina Historical Commission during the months of August-November, 1928, were: seventeen volumes of Carteret County Records; 49 volumes of Beaufort County Records; 932 pages of transcripts of North Carolina material in the Public Record Office in London; 16 letters of the Harry A. Chambers Collection; 238 typewritten pages of copies of North Carolina items in early West Indian and New England newspapers in the library of the American Antiquarian Society, Worcester, Mass.; and photostats of the manuscript applications to President Johnson for pardon in the War Department at Washington by about 2,000 North Carolinians who were excepted from the general amnesty proclamation of May 29, 1865.

A bronze tablet was unveiled at the grave of Dr. Elisha Mitchell on the summit of Mt. Mitchell, September 29, commemorating the noted scientist who lost his life, June 27, 1857, while on a scientific expedition on the mountain which bears his name. The exercises were in charge of Mr. J. S. Holmes, state forester, who read a biographical sketch written by Mrs. Hope Summerell Chamberlain of Raleigh, granddaughter of Dr. Mitchell. Professor Collier Cobb of the University made an address.

On October 14, a monument presented by the Independent Order

of B'nai Brith, was dedicated in Calvary Episcopal Churchyard, Fletcher, N. C., to Zebulon Baird Vance, author of the noted address, "The Scattered Nation." Rabbi Stephen S. Wise, of New York City, delivered the principal address.

Under the auspices of the Guilford Battle Chapter, D. A. R., Mrs. W. C. Tucker of Greensboro, regent, a bronze tablet on the state highway bridge at Franklinville, Randolph County, was unveiled on November 15, commemorating the escape of Andrew Hunter from David Fanning in 1781. Assistant Attorney-General Charles Ross of Raleigh and Congressman W. C. Hammer of Asheboro delivered addresses.

A bronze marker was unveiled near the site of the Old Richmond Courthouse in Forsyth County on October 13. Miss Mary Dalton, regent of the General Joseph Winston Chapter, D. A. R., was in charge of the exercises.

County historical associations were organized in Wake County under the direction of Miss Mary Hilliard Hinton, county historian, on October 8, and in Franklin County, on October 26, by County Historian D. T. Smithwick of Louisburg.

The Alfred Moore Chapter, D. A. R., unveiled a marker at "The House in the Horseshoe" on Deep River, ten miles north of Carthage, on November 10, commemorating the skirmish on July 29, 1781, between the patriots under Colonel Philip Alston and the Tories under David Fanning. Associate Justice W. J. Adams of the Supreme Court and Professor Frank Graham of the University were the chief speakers at the exercises.

On September 27, Mrs. Alfred Williams, of Raleigh, acting for the Johnston Pettigrew Chapter, U. D. C., presented through State Regent Mrs. W. F. Woodard to the North Carolina Division, U. D. C., a memorial fence and bronze tablet at the grave of General James Johnston Pettigrew, near Lake Phelps in Tyrrell County. The Pettigrew cemetery, in which is the grave of General Pettigrew, was repaired, restored, and fenced by the Johnston Pettigrew Chapter. Mr. Henry M. London and Col. Fred A. Olds of Raleigh

participated in the exercises. Judge Francis D. Winston of Windsor delivered the chief address.

The city of Lexington unveiled a marble shaft on the courthouse square at Lexington on September 22, commemorating the one hundreth anniversary of the chartering of the town.

Governor Angus W. McLean called a conference of leading educators in the Hall of the House of Representatives, Raleigh, on October 8, to discuss ways and means of diffusing more extensive information about North Carolina history among the citizenship and particularly the public schools of the State. A committee was appointed to report recommendations to the Governor by December 1.

The Twelfth Biennial Report of the North Carolina Historical commission, covering the period December 1, 1926-June 30, 1928, shows that 316 manuscript volumes, 90,000 manuscripts, 5,351 pages of transcripts and photostats, 301 issues of North Carolina newspapers, and 54 maps were added to the collections of the Historical Commission; 3 historical markers were erected; 6 volumes, 1 bulletin and the quarterly numbers of the *North Carolina Historical Review*, in addition to 4 publications of the Legislative Reference Library, were issued; 7,463 manuscripts were scientifically repaired; 38 volumes of manuscripts were mounted and bound; a new system of cataloguing was devised and its application to the collections was begun; 2,000 visits were made to consult the records—331 by non-residents of the State and 165 by historians and graduate students; 750 certified copies of records were supplied to 391 people living in North Carolina and 37 other states and foreign countries; 11,000 school children and many citizens visited the Hall of History; and 600 bills were drafted by the Legislative Reference Library for members of the General Assembly.

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